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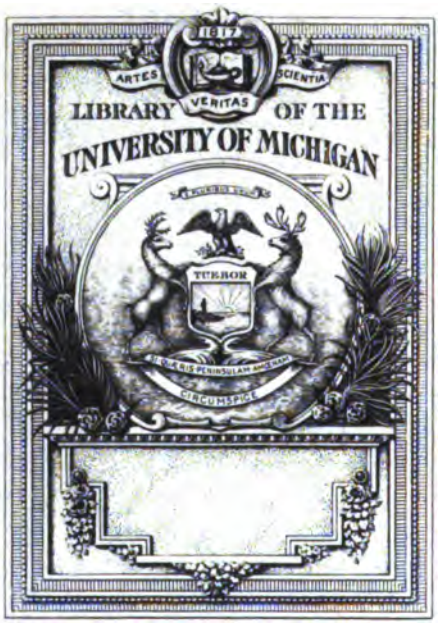

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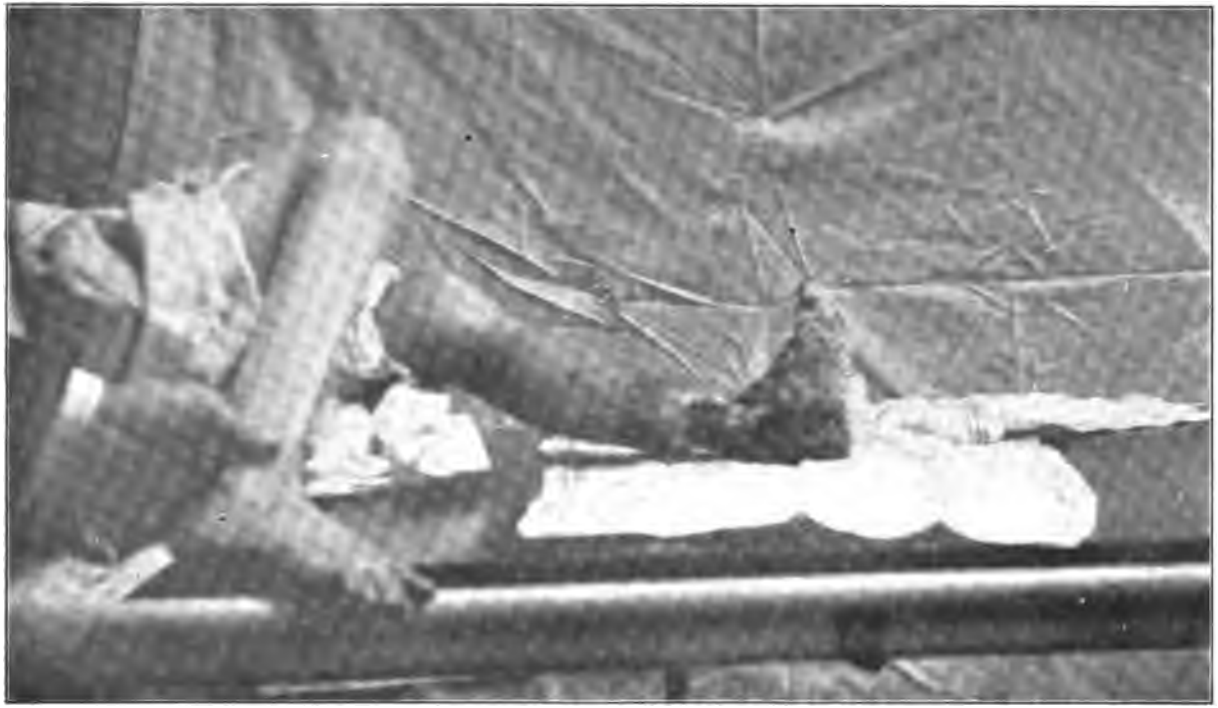

PHOTOGRAPH OF A GANGRENED FOOT OF A CHILD TREATED BY A "HEALER."

AN OBJECT LESSON. See preface, and page 113.

CHRISTIAN SCIENCE

An Exposition of Mrs. Eddy's Wonderful Discovery, including its Legal Aspects

A Plea for Children and other Helpless Sick

BY

WILLIAM A. PURRINGTON

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NEW YORK

E. B. TREAT & COMPANY

241-243 WEST 23D STREET

1900

"Christian Science demonstrates that the patient who pays whatever he is able to pay for being healed is more apt to recover than he who withholds a slight equivalent for health."

—*From Preface to Miscellaneous Writings of Mrs. Eddy.*

Copyright
By E. B. Treat & Co
1900

PREFACE.

It has seemed worth while to collect these papers, expounding the dangerous teachings of our latter-day delusion, Christian Science, and the theory and limitations of medical legislation, if only for the sake of children and helpless adults. Thanks are due to the Proprietor and Editors of the *North American Review* for permission to reprint the articles written for that periodical at the instance of my friend David A. Munro, Esq., and to the publisher and editor of the *Medical Record*, and the New York *Sun* for the use of the matter copyrighted by them. They have proved less tenacious of their copyrights than is the discoverer of Christian Science of hers.

The papers have not been altered from their original form in order to avoid in the bound volume repetitions due to treating the same subject before different audiences. When line upon line and precept upon precept are needed repetitions are not vain.

Four of these papers deal with the exposition of Mrs. Eddy's teachings, her own account of herself and the status of her cult before the law. Another treats of the educational effect and policy of medical legislation, and the last shows how by enforcement of medical laws not consonant with public opinion the apothecary in England became a general practitioner of medicine.

The best proof that the articles in the *North American Review* are fair expositions of Mrs. Eddy's biography and teachings is that their accuracy has not been denied, so far as their author knows. How could it be when they consist for the most part of her own words quoted by book and page so that error might

be easily corrected? No willful misstatement has been made, and none, it is believed, unwittingly. The patient reader will see that there is here no denial, but rather explicit and repeated admissions of the extraordinary influence of suggestion, expectant attention and mental excitation however caused upon the body. It is not denied that hysterical patients, the morbidly introspective, the worriers, the *malades imaginaires*, the victims of obscure nervous ailments have been helped by Faith Cure, Christian Science, Mental Healing, Mesmerism, Hypnotism, Vitapathy, and the like. But it is denied that every *post hoc* is a *propter hoc*, and that because, for instance, asthma, which often yields to a change of residence, or wears out by lapse of time, and childbirth, a normal function, sometimes run successful courses under such methods, therefore gross ignorance and presumption are to be substituted without restraint or liability in daily life for demonstrably efficient skill and science. We know that a surgeon can staunch the gush of blood from a severed artery, that the physician has sweet oblivious antidotes for pain, and, if called in time, can, often counteract the deadly work of poison. Eddyism cannot do these things. Will Mrs. Eddy or any of her disciples venture by personal experiment under test conditions to prove that Christian Science can counteract by its arguments the effects of morphine, atropine or strychnine?

What must be obvious to any one who will think but a moment is that suggestion, expectant attention and such mental stimuli cannot operate upon babies as they do upon adults; and accordingly, as one would

naturally expect, we find some of the most horrible instances of criminal wickedness on the part of Christian Scientists, Peculiar People and like faddist in their treatment of children. One object lesson is worth a wilderness of words, and the photograph prefixed to these papers is a volume in itself. I am indebted for its use to Charles H. Tag, M. D., of Brooklyn. The case, referred to on page 113, was one of gangrene of the left foot of a child twelve years old; the lower ends of tibia and fibula being exposed and the foot attached to the leg only by the internal lateral ligaments of the ankle. Physicians advised amputation; but an ignorant woman was called in who guaranteed by prayers, passes and salves to effect a cure. She professed belief in Christian Science and mental treatment, but also in the efficacy of remedies, the use of which made her conviction possible under the law of New York. She was not a strict Eddyite, but had a system and book of her own. Eventually amputation was performed by Dr. Blaisdell assisted by Drs. Tag and Caffrey. The operation was successful and the child is now in good health. Is it not horrible to think of cases of this sort, of contagious diseases, of severed arteries and fractured limbs falling into the hands of ignorant and audacious "Scientists" even when patients are conscious and willing to accept the treatment? How much worse it is when the patients are little children or unconscious adults whose lives are put by misguided kin or friends into the deadly keeping of those who lightly and boldly assume with ignorance, what the learned attempt with care and misgiving.

The questions submitted to Mr. Carol Norton as set out in the appendix remain unanswered by him. They are the *crux* of Eddyism. Would Mrs. Eddy treat her own severed artery by arguing with it like a congressman? Would Mr. Norton discuss a fish-bone out of a child's throat? If not, who will deny that the pretensions of the cult are humbug and sham of the commonest, wickedest sort?

It is by no means asserted that the disciples of Mrs. Eddy are ignorant or unintelligent. On the contrary their sincerity is willingly admitted, as well as that among them are persons of unusual intelligence. But persons of intelligence and honesty, ever since the world began, have been deluded in amazing fashions by vulgar and ignorant impostors in religion, medicine and finance. Hope tells its flattering tale to rich and poor, wise and foolish. All conditions of men blindly follow false beacons of health and wealth, set for them by fanaticism, greed and cunning. Fortunate are they who find the true light before shipwreck.

If this exposition turns one Ephraim from his idols; if it saves one child, one woman in peril of childbirth, one strong man in delirium from unnecessary suffering and death at the hands of the ignorant and criminally reckless, it will not have been written in vain. And because it may happen that some reader might wish to find again a droll absurdity of Christian Science's discoverer wherewith to confound him who accepts Mrs. Eddy's teaching on faith without knowledge, a sufficiently copious index has been made, and a table given of the cases cited from law reports.

W. A. PURRINGTON.

59 Wall Street, New York City,
December 11th, 1899.

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Photograph of child treated by incantations and salves . . . *Frontispiece*
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(COPY)

No. 1251

Commonwealth of Massachusetts.

Be it known *That whereas Mary B. G. Eddy, Charles J. Eastman, James C. Howard, Edgar S. Woodbury, James Wiley, William F. Walker and Samuel P. Bancroft have associated themselves with the intention of forming a corporation under the name of the*

Massachusetts Metaphysical College

for the purpose of teaching pathology, ontology, therapeutics, moral science, metaphysics and their adaptation to the treatment of disease, and have complied with the provisions of the Statutes of this Commonwealth in such case made and provided, as appears from the certificate of the President, Treasurer, and Directors of said corporation, duly approved by the Commissioner of Corporations, and recorded in this office:

Now, Therefore, I, Henry B. Peirce, *Secretary of the Commonwealth of Massachusetts,* **Do hereby Certify** *that said Mary B. G. Eddy, Charles J. Eastman, James C. Howard, Edgar S. Woodbury, James Wiley, William F. Walker and Samuel P. Bancroft, their associates and successors, are*

legally organized and established as and are hereby made an existing corporation under the name of the

Massachusetts Metaphysical College,

with the powers, rights, and privileges, and subject to the limitations, duties, and restrictions which by law appertain thereto.

Witness *my official signature hereunto subscribed and the seal of the Commonwealth of Massachusetts hereunto affixed this thirty-first day of January in the year of our Lord one thousand eight hundred and eighty-one.*

L. S.

HENRY B. PEIRCE,

Secretary of the Commonwealth.

[A verbatim copy of the Charter or Certificate of Incorporation of Mrs. Eddy's so-called Metaphysical College, on file in the office of the secretary of the Commonwealth of Massachusetts. See page 52.]

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Christian Science.

I.

"CHRISTIAN SCIENCE" AND ITS LEGAL ASPECTS.[1]

IT is asked if existing laws impose any restraint upon treatment of the sick by *soi-disant* "Christian Scientists," and if further legislation in that regard is desirable.

Mere charlatanism, unrelated to the general welfare, is not a proper subject for legislation, but quackery imperilling the public health is. Whether Christian Science falls within either category, every intelligent reader will readily determine when aware of its pretences—charlatanism being false pretension to knowledge, skill, power or achievement, and every one being a charlatan who falsely advertises himself as achieving greater results than his fellows, whether he be a medical man boasting of mysterious and impossible cures, a religious teacher preaching what he does not believe, or a lawyer proclaiming achievements that he has not accomplished or insuring results beyond his power. The term is not used offensively, nor with any desire to impute insincerity to honest believers in this new cult.

[1] From the *North American Review*, March 1899.

To answer the questions propounded, we must clearly understand, (1) the true purpose and proper scope of legislative control over medical practice and matters affecting the public health; (2) the methods taught and adopted for the treatment of the sick by Christian Scientists; (3) the status of these people under existing law.

For the argument's sake let these concessions be made at the outset: (1) mental stimulus exercises, and has been always known to exercise, enormous influence over the body, whether incited by such slight causes as "a harmless, necessary cat," or "woollen bagpipe," or by such powerful emotions as hope, fear or faith; and not only *malades imaginaires*, but sick persons, especially those afflicted with hysterical disorders, have been and will be restored to normal health by such stimulus; (2) the wisest physicians, as they will be first to admit, not having yet attained the limits of medical or psychical knowledge, are fallible, and often make errors of diagnosis; (3) the *vis medicatrix naturae* is great, and, if there should be called to the treatment of a sick man two ignorant and incompetent persons, one a gloomy believer in dosing by rule, the other merely a cheerful prophet, the latter would be, probably, the more helpful, or at least the less dangerous; (4) Socrates, Galileo, Jenner and many other persons met with opposition in promulgating truth, just as Simon, the sorcerer, Jack Cade, Cagliostro and other impostors eventually came to grief in their propaganda of lies.

These concessions are made because, in the writer's experience, no charlatan or enthusiast has yet appeared

before a legislative committee to plead for the substitution of ignorance in place of medical learning, whose argument has not been, in substance, this: There are mysterious powers not possessed or fully understood by physicians, who frequently make grave mistakes; cures often follow the ministrations of clairvoyants, mediums, mind and faith curers; new truth is always opposed; therefore, medical practice should be untrammelled, and every one, regardless of character, intelligence, education or training, should be permitted to engage in the business of treating the sick for hire. A postulate must also be laid down, and he who denies it need read no further; the acceptance of new doctrines, or of old ideas revamped, by a large number of persons, of whom some may be very intelligent, is not of itself sufficient reason for general acceptance of such doctrines or ideas, or for toleration of practices founded upon them; especially if the former be contrary to ordinary experience and observation, and the latter be injurious to the public health, morals or safety. It was happily said by Dr. Oliver Wendell Holmes, of Bishop Berkeley's belief in tar water as a specific for pretty nearly all the ills of man, that it "exhibits the entire insufficiency of exalted wisdom, immaculate honesty, and vast general acquirements to make a good physician of a great bishop;" while, of Berkeley himself, the wise and witty Doctor said: "He was an illustrious man, but he held two very odd opinions; that tar water was everything and that the material universe was nothing."

Public health laws, including therein statutes regulating medical practice, should be and are framed

solely to protect the public, by providing against such harmful practices as adulterations of food and drugs, the spread of contagious diseases, maintenance of unsanitary conditions and medical treatment of the sick by unqualified persons. That the state may constitutionally and justly exercise its police power to protect health is by adjudication established beyond cavil, and by common consent so thoroughly accepted that if a pest-house or open cess-pool were established near the residence of the founder of Christian Science, she would doubtless apply, successfully, to the Courts or the Health Board to abate the nuisance, notwithstanding her teaching that a "calm Christian state of mind is a better preventive of contagion than a drug, or any possible sanative method."[1] The justification of medical licensing laws is that the overwhelming majority of sensible men, at all times, have believed that knowledge and training are essential to qualify a man to cope with disease; and, for this reason, the highest courts of many States and the Supreme Court of the United States, in Dent's case,[2] have affirmed the constitutional power of a State to enact laws forbidding unqualified persons to practice medicine, and establishing general tests of such qualification.

This is not the occasion to review the Medical Acts of the several States. It is enough to say that none of them prohibits or prescribes any special system of therapeutics or practice. To do that would block

[1] Misc. Works, p. 229. Where in these foot notes only a page is cited the reference is to "*Science and Health, with Key to the Scriptures*," the text-book of the cult, edition of 1887.

[2] Dent v. West Virginia, 129 U. S. 114.

scientific progress and discourage investigation. It is not for legislatures to say how either bodies or souls shall be cured, to enact pharmacopoeias into statutes or crystallize theories, medical or religious, into law. But it is entirely right and proper for them to declare that no man shall enter upon the business of treating the sick until he is of full age and has shown, upon examination, that he has studied for a prescribed time, and acquired competent knowledge of those branches of true science, familiarity with which is, by universal consent, necessary to equip one into whose hands life and health are to be committed—physiology, anatomy, surgery, obstetrics, hygiene, chemistry, pathology, diagnosis. The licensed medical practitioner may act in any case upon any theory of therapeutics commending itself to his judgment; allopathy—if there be such a theory—homeopathy, hydropathy, electropathy, vitapathy, venopathy, osteopathy, Baunscheidtismus, magnetic healing, the Christian Science of Mrs. Eddy, the pagan science of the Voodoo Queen, or a general Eclecticism.

In short, the law aims, and should aim, to require, as the only prerequisite of a medical license, satisfactory proof that the candidate is of good character and average equipment through study and training. In New York, for example, there are three Boards of Medical Examiners, representing the regular practitioners, and the Homeopathic and Eclectic Schools. Examinations are uniform in physiology, anatomy, and all the other branches of science above enumerated, wherein there is no medical schism. In therapeutics, where opinions diverge, candidates for license may de-

mand examination according to their schools. Rhode Island's Supreme Court said lately, in Mylod's case,[1] by way of *reductio ad absurdum*, that Christian Scientists, were they held to be practitioners of medicine, would be entitled under the constitution of that State to a separate Board of Examiners—offering this as one argument for not holding them to be such practitioners. But why should not Christian Scientists, who make a business of attempting to cure the sick, be required to submit to examination in general medical science, quite as much as homeopaths from whose loins they have sprung; going, as do candidates from other schools, before their own board in therapeutics? It is said that they give no drugs, but they must and do make diagnosis,[2] and their "Mother" says that they often give medicine.[3] Is it unreasonable to infer that their actual objections to being classed as medical practitioners subject to license are: (1) that to prepare for examination requires years of study in real science; (2) that no one with a fair knowledge of the human economy, and equipped to practice medicine

[1] State v. Mylod, 40 Atl. 753. See the paper "Christian Science before the Law," p. 91.

[2] Although Christian Scientists deny, in order to escape prosecution under medical laws, that they make diagnosis of disease, yet upon their own theory they must do so; for their teacher bids them mentally to *address by name* the disease to be treated, and argue with it. They sometimes call "diagnosis" "discernment," and Mrs. Eddy says of herself, "I have discerned disease in the human mind, and recognized the patient's fear of it many weeks before the so-called disease made its appearance in the body. . . . *I am never mistaken in my scientific diagnosis of disease.*" (P. 191.)

[3] "Departing from my instruction, many learners commend diet and hygiene. *They even administer medicine for certain diseases*, thinking thereby to initiate the cure which they think to complete with mind!" (P. 376.)

intelligently, would adopt the vagaries of their *pseudo* science?

Such being the purpose and proper scope of medical laws, the second inquiry is, What is so-called Christian Science?

The answer may, best and most fairly, be given by quoting the very words of the remarkable lady, Mrs. Eddy, who, in 1866, made the somewhat belated discovery of this branch of healing. This is the more important because many who, without having read the text-book, fancy they know, in a general way, what it teaches, would be surprised, on looking into the volume, at the vagueness of expression, hopeless confusion of thought, vain boasting, complacent assertion of impossible occurrences, virulent denunciation of all other systems, and systematic, commonplace advertising that everywhere appear. The publications to be quoted from are "Science and Health, with Key to the Scriptures" (Edition of 1887, published by the author), and "Miscellaneous Writings, 1883–1896." The former, being the text-book wherein the new discovery is expounded, is read at the church service of the Scientist alternately with the Bible, and, if its author is to be credited, the mere reading of it, understandingly, has cured and will cure the most malignant diseases, even cancer, and indeed is the chief factor in all treatment.

At the threshold of this *magnum opus*, we are told: "The time for thinkers has come."[1] Hitherto, the world has got along in a thoughtless fashion; but at last the thinkers are upon us—not only those who

[1] P. 5.

think they think, but real thinkers; and it behooves us to heed their thought. Perhaps it is this statement, as much as any other in the book, that gives to Christian Science what vogue it has. The more ignorant the disciples, the more flattered he is to esteem himself a thinker wiser than all who have gone before. A cubit is added to his stature and he glows with self-satisfaction. When the author wrote of the Saviour: "Though Jesus is the impetus and pulse of Christianity, yet Christianity is larger than its human founder;"[1] and again of Bishop Berkeley: "He was a great natural Scientist in his day, and held opinions concerning 'absolute idealism' which advance his memory near to the border-land of Christian Science,"[2] she, too, doubtless felt this glow, and failed to apprehend in the words what was blasphemous to the pious, humorous[3] to the merely instructed and offensive to good taste.

Another reason why this text-book impresses the

[1] P. 229. [2] P. 230.

[3] The poems of Mrs. Eddy, published in Miscellaneous Writings, Ch. XI., afford evidence at once of her literary craftsmanship and of her entire lack of humor. Two verses from one of them, "Isle of Wight," (p. 393), may serve to illustrate her pellucid thought and style:

"Soul, sublime 'mid human *débris*
Paints the limner's work, I ween,
Art and Science, all unweary,
Lighting up the mortal dream."

. . . . . .

"Students wise, he maketh now thus
Those who fish in waters deep,
When the buried Master hails us
From the shores afar, complete."

However trite or obscure her prose teachings, no one will deny the novelty and originality of rhyming "*débris*" with "unweary," "ween" with "dream," "now thus" with "hails us" and "deep" with "complete," and, to quote Calverley's saying of other poetry, "As to its meaning, it's what you please."

superficial as containing oracles of wisdom is, that it so often, like Dr. Holmes's katydid, says "an undisputed thing in such a solemn way;" for example, that those who are sick, or think themselves sick, should be cheered up; that fear strongly affects the system and even predisposes the timid to the sickness they stand in dread of; that children should not be coddled over-much, and that men ought to be good; trite sayings all, but to the thoughtless thinker revelations.

Yet another reason that commends the book and its disciples to the credulous is their boastful assurance of impossible results. Reputable practitioners of medicine or law do not insure success. Undoubtedly, however, such assurance inspires hope, especially in credulous minds. Mrs. Eddy does not hesitate to say that she cures the hundred cases where physicians lose the ninety-and-nine;[1] and her disciples have been known to give equal assurances to a patient already in the death agony.

A review of these books might be entertaining, and even profitable, if it served to enlighten any who may have accepted the "Science" without study of its genesis, by showing how, out of the time-worn speculation of idealism that matter does not exist apart from mind, a lady of Lynn, Mass., has spun a web of incoherent words[2] contradicting themselves on every

[1] P. 387.

[2] As if realizing how incoherent, vague and self-contradictory is her writing, Mrs. Eddy says, somewhat in the manner of Mr. Bunsby, "In the spiritual sense of my subject lies the elucidation of it, and this sense you must gain in order to reach my meaning" (p. 391). And again, "Mortal mind does not at once catch my meaning, and can only do so as thought is educated up to my spiritual apprehension" (p. 392). And finally to

page, and yet so attractive to the credulous as to form the nucleus of a cult and of an excellent source of revenue for the writer, and for those of her disciples who, in absolute ignorance of medical science, assume to cure every human malady; not only treating adults, but even helpless children, preventing the attendance of qualified medical men in critical cases, and even condemning observance of the rules of cleanliness, hygiene, diet and exercise. But with the metaphysics of the book we have here to do only in so far as it affects the practical system of treating the sick.

Originally, Mrs. Eddy seems to have been a homeopathist of the "high potency" faction, and to have been led by recognizing the medicinal inertness of high attenuations to her present theories.[1] She, herself, says: "Homeopathic remedies, sometimes not containing a particle of medicine, are known to relieve the symptoms of diseases. What works the cure? It is the faith of mortal mind that changes its own self-inflicted suffering, and produces a new effect upon the body."[2] This would be, at least, intelligible if she did not also teach that "there is really no such thing as mortal mind;"[3] that "disease is an impression originating in the unconscious mortal mind, and becoming at length a conscious belief that the body or matter suffers, . . . a growth of illusion springing from a seed of thought, either your own thought or

her disciples and general readers she intimates that she can "explicate spiritual meanings more fully" by "practical teaching," *i. e.*, presumably by attendance on her well paid lectures (p. 17).

[1] "Homeopathy; Its Friends and its Foes." Annual address by Dr. H. M. Paine, President of the Homeopathic Medical Society of the State of New York, 1888, Trans. Vol. XXIII.

[2] P. 312. [3] P. 419.

another's;"[1] that body "is the seedling that starts thought, and sends it to the brain for consciousness;"[2] that "the entire mortal body is evolved from mortal mind," so that a bunion would be insanity if mortal mind would only call the foot the brain;[3] that matter "is another name for mortal mind"[4] and "disappears under the miscroscope of spirit;"[5] and that pain, which is presumably suffering, is "a belief without an adequate cause."[6] We are also taught that "disease has no intelligence to move itself about or change itself from one form to another."[7] Taking again the sentence just quoted, and substituting these definitions for words, we have this remarkable result: "It is the faith of mortal mind (*i. e.*, nothing) that changes its own self-inflicted sufferings (*i. e.*, beliefs without adequate cause) and produces a new effect upon the body" (*i. e.*, an evolution of mortal mind, or nothing, which therefore is itself nothing).

Before this jargon one may fancy the delighted new thinker, like dear Alice after reading the Jabberwock, gloriously filled with ideas, but entirely ignorant of the meaning. The most that can be made of her theory is that disease does not exist save as a false belief to be treated with argument; and the positive treatment of it is as follows: First of all, buy Mrs. Eddy's books and have the patient do so.[8] This will increase the circulation—of the book, if not of the patient. Next, deny that there is any disease, and make the patient agree with you. "Remember that all is mind and there is no matter. You are only

[1] P. 182. [2] P. 191. [3] P. 300. [4] P. 542. [5] P. 15. [6] P. 342. [7] P. 301. [8] P. 375.

seeing or feeling a belief, whether it be cancer, deformity, consumption, or fracture that you deal with."[1] Having thus established that the disease does not exist, you next proceed to "meet the incipient stage of disease with such powerful eloquence as a Congressman would employ to defeat the passage of an inhuman law."[2] No disease can stand that. Still more oddly, you are to call this disease, whose existence you deny, by name, but mentally, lest if the patient hear its name, his mortal mind will hold on to the disease; for, apparently, the mortal mind, which itself has no existence, although impressed by absent treatment and the reading of Mrs. Eddy's book, cannot let go any disease whose name is spoken out loud. But if you only address the disease mentally and speak the truth to it, "tumors, ulcers, tubercles, inflammation, pains and deformed backs . . . all dream shadows, dark images of mortal thought, will flee before the light."[3] To the practical mind it would seem that the "healer" would need some medical knowledge to make his differential diagnosis of "ulcers" and "tumors," and to distinguish between abscess, aneurism, and other abnormal conditions. And if disease does not exist, and has no intelligence to move or change itself, it does seem a bad waste of time to have any discussion at all with it.

If this were all of Christian Science, it might do little or no harm. No one would object to letting a "Scientist" hold mental conversations with the patient's disease, or give "absent treatments," or encourage the sick to "look on the bright side." And a kindly soul

[1] P. 297. [2] P. 322. [3] P. 301.

would no more restrain a "Scientist" from playing with his metaphysics than he would interfere with a hopeful kitten that whirls in happy pursuit of its own elusive tail—always in sight, yet never quite attained. But it is the negative teachings of the so-called Science that render its disciples pestilent and dangerous to the public health. Declaring the incantations of the Esquimaux to be "as effective in cure of the sick as the *modus operandi* of civilized practitioners," Mrs. Eddy goes on to teach that physiology is anti-Christian. "It teaches us to have other gods before Jehovah. It is neither moral nor spiritual."[1] In its place she would substitute harmony; for "discord is the *nothingness* of error, harmony is the *somethingness* of truth."[2] "Sickness is inharmony."[3] This "new thought" is even older than that famous little dinner given by Agathon, where, notwithstanding the presence of Plato and Socrates, Aristophanes got tipsy and asked Eryximachus, the physician, why, if the latter really believed health to be only harmony and love among the members, he should prescribe anything so inharmonious as sneezing to cure hiccoughs.

No physician is to be called in by the sick. "The Scientist who understands and adheres strictly to the rules of my system . . . is the only one safe to employ in difficult and dangerous cases."[4]

Every form of treatment, Homeopathy,[5] Mind Cure,[6] Movement Cure,[7] Animal Magnetism, Clairvoyance, Mediumship and Mesmerism,[8] is impartially condemned. Against animal magnetism Mrs. Eddy is

[1] P. 171. [2] P. 22. [3] P. 177. [4] PP. 186, 324. [5] P. 183. [6] P. 376. [7] P. 364. [8] PP. 212, 213, 219, 302.

particularly bitter, apparently because, having been once "personally manipulated" by the late Mr. P. P. Quimby, "an uneducated man, but a distinguished mesmerist," it was thereafter stated that Mr. Quimby was the "originator" of her writings.[1] "It is morally wrong to examine the body in order to ascertain if we are in health," and "to employ drugs for the cure of disease shows a lack of faith in God.[2] "A Christian Scientist never recommends hygiene."[3] Dieting, dosing and exercise are unscientific.[4] It is foolish to suppose that it is exercise that increases the muscles of a blacksmith's arm; for, if that were so the hammer, which takes just as much exercise, would also grow.[5] This is one of the most powerful and characteristic arguments of the new thinker. Bathing is thus deprecated. "Bathing and rubbing, to alter the secretions or remove unhealthy exhalations from the cuticle, receive a useful rebuke from Christian Healing. We must beware of making clean the outside of the platter only. A hint may be taken from the Irish emigrant whose filth does not affect his happiness when mind and body rest on the same basis."[6] "The Scientist takes the best care of his body when he leaves it most out of his thought, and like the Apostle Paul is 'willing rather to be absent from the body and present with the Lord.'"[7] "The daily ablutions of an infant are no more natural and necessary than

[1] P. 6. [2] P. 38.

[3] P. 374; Mrs. E. D. O., "at an early age learned hygiene (!) and practiced it faithfully for over twenty years" with such poor results that she "had once been laid out for dead" and "did not want to come to." A partial reading of "Science and Health" made her "a well and hearty woman." (Misc. W., pp. 401–403.)

[4] P. 376. [5] p. 209. [6] P. 354. [7] P. 355.

it would be to take a fish out of water once a day and cover it with dirt, in order to make it thrive more vigorously thereafter in its native element."[1] Medical study is harmful. "Anatomy, physiology, treatises on health—sustained by what is called material law—are the husbandmen of sickness and disease."[2] Proper clothing is unnecessary; for "you would never conclude that flannel is better than controlling Mind for warding off pulmonary disease, if you understood the Science of being."[3] If one be only a Christian Scientist he "may expose himself in a state of perspiration to draughts of air without experiencing the usual ill effects;"[4] *i. e.*, Christian Science is prophylactic, and this is expressly asserted.[5]

The foregoing is all bad enough as to adults; but, when it concerns them only, something may be said in favor of the decision, cited by Puffendorf, in the case of a patient who sued a horse-doctor for blinding him by applying to his eyes the same ointment that was used for horses. The Cadi decided against the suitor, because: "If the Fellow," says he, "had not been an Ass, he had never applied himself to a Horse-doctor."[6]

But what is to be said of such advice as this to mothers? "Mind can regulate the condition of the stomach, bowels, food, temperature of your child far better than matter can do so. Your views and those of other people on these subjects produce their good or bad results in the health of your child."[7] "Your child can have worms, if you say so, or whatever

[1] P. 159. [2] P. 183. [3] P. 160. [4] P. 314. [5] P. 348. [6] Puff. Book, V., Ch. IV. [7] P. 158.

malady is timorously holden in your mind relative to the body. Thus you lay the foundation of disease and death, and educate your child into discord?[1] Even if a child is attacked by contagious disease, Mrs. Eddy attributes the cause to maternal fear.[2] Thus the mother is taught that her child's illness depends upon her fancy, and that neither physicians, remedies nor decent, cleanly care are necessary for its aid. And in the record of deaths resulting from the treatment of Christian Scientists, Faith Curers, Peculiar People, *et id genus omne*, a large proportion are those of neglected children suffering from acute inflammations of the lungs, diphtheria, pneumonia and like complaints. One horrible and typical case in Brooklyn was brought to public notice by an undertaker called in by a Faith Curer to bury the latter's child, six years of age, dead from diphtheria. Two other children, one about eight, the other less than two years old, were found suffering from the same disease. The father explained his failure to call in medical aid by saying he did not believe in doctors since he believed in Christ.[3] Here his delusion caused not only the death of his own child, but put in peril the public health. The same neglect would have occurred had the case been smallpox or scarlet fever.

A number of even more harrowing cases might be cited, did space or inclination serve; but their recital is needless.[4]

Contrary to ordinary belief, even prayer is es-

[1] P. 159. [2] P. 334. [3] N. Y. papers, March 1., 1890.

[4] The New York *World* of Aug. 12, 1899, prints a list of forty-one persons alleged to have suffered from this delusion. It omits many to be found in a scrap-book kept by the writer.

chewed. "The only beneficial effect of prayer is on the human mind, making it act more powerfully on the body through a stronger faith in God. This, however, *is one belief casting out another*, a belief in the unknown casting out a belief in sickness."[1] And when we remember that "belief can only bring on disease, it can never relieve it," the inefficacy of prayer becomes manifest; and we are expressly taught that "if we pray to God as a person, this will prevent us letting go the human doubts and fears that attend all personalities."[2]

The most ignorant persons set themselves up to cure the sick under this system as a business and for hire. Mrs. Eddy herself accumulates and publishes certificates of cures by herself, by her disciples and by the mere reading of her book, that are contrary to all possibility in human experience and smack in every line of the charlatan. Her volume of "Miscellaneous Writings" is in part made up of certificates differing from those that usually accompany quack nostrums, only in that they are more incredible than those the ordinary charlatan ventures to put forth. She cures cancers in one visit. A child of eighteen months, suffering for months with ulceration of the bowels, and given up by the "M. D.'s," is lifted from his cradle and kissed, he at once begins to play with his toys, and that night before retiring eats heartily of cabbage![3] One Mrs. Armstrong writes,

[1] P. 488. [2] P. 492, *cf.* 484 and 393.

[3] P. 200. This certificate dated "Lynn, June, 1873," says "Mrs. Eddy came in," etc., although Mrs. Glover-Patterson did not marry Mr. Eddy until four years later, in 1877—(See note to the case against Christian Science, p. 60.)

without date or address, to enclose a check for $500, in payment of an absent treatment by which heart disease and dropsy, lasting from childhood, were cured immediately upon Mrs. Eddy's receipt of a letter from Mr. Armstrong.[1] Hood's case of "Mrs. F., so exceedingly deaf," who purchased an ear trumpet, "and very next day heard from her husband in Botany Bay," becomes modest in comparison. But, although Mrs. Eddy personally cures fractures—did, in fact, by "absent treatment" cure the crushed foot of Mr. R. O. Badgeley, of Cincinnati;[2] and although she expressly teaches that her Science cures "acute and chronic forms of disease,[3] and fractures"[4] as well as other deformities—nay more, has "raised the dying to life and health"[5]—she nevertheless says: "Until the advancing age admits the efficacy and supremacy of Mind, *it is better* to leave the adjustment of broken bones and dislocations to the fingers of surgeons, while you confine yourself chiefly to mental reconstruction and the prevention of inflammations or protracted confinement."[6]

Here Mrs. Eddy confesses the sham of her theory. Earth often covers the physicians' mistakes, but not so frequently those of the surgeon. The vast majority of suits for malpractice are in surgical cases. The results of operations often demonstrate the malpractice. And is it not fair thus to paraphrase this sly advice; "Take any risk with the sick. If the patient die, who can prove that you caused the death? But be wary in surgical cases, for there ignorance and lack of skill, being demonstrable, may cause you to pay

[1] P. 199. [2] P. 199. [3] P. 186. [4] P. 358. [5] P. 317. [6] P. 328.

heavily for your persumption?" The fitting climax to this farrago of undigested metaphysics and vain boasting[1] is, that hunger and thirst are also mental impressions to be argued with,[2] that food is not requisite to support life, although "it *would be foolish to stop eating until we gain more goodness;*"[3] and, lastly, that, as there is no mortal mind from which to make a mortal body, immortality is already here.[4]

The methods of this extraordinary system of cure for the sick have been set out thus fully and, it is believed, fairly, because in no reported law case have they been brought before the Court, and the authority of any adjudicated case depends upon the facts involved. *Obiter dicta* are often as misleading as metaphysical speculation. Summed up, these methods consist positively in reading Mrs. Eddy's book and arguing with non-existent disease; and negatively in abstaining from everything that experience shows to be of benefit to the sick, not only specific medication and operative treatment, but diet, exercise and personal cleanliness. The evidence of the senses is not to be heeded; it is even forbidden to admit that a little child needs medical care. Surely no well-balanced mind will deny that this delusion is full of danger, no matter how sincerely and honestly many believe in it.

Thus we are brought to our third inquiry: Do existing laws suffice us in dealing with this delusion and its votaries, or is further legislation necessary in the

[1] "There are certain self-evident facts. This is one of them that whoever practices the Science I teach, through which the Divine mind pours light and healing upon this generation cannot pursue mal-practice, or harm patient" (p. 219).

[2] PP. 329, 334. [3] P. 332. [4] PP. 316-327.

mises! With the metaphysical and religious aspects of the delusion, the law has no more concern than with those of Mormonism, Voodooism, Shakerism, Oneidaism or any of the myriad forms of God or Devil worship. Ephraim may join himself to all the idols he desires, the law lets him alone. But neither in this life nor the life to come is every one who cries, "Lord, Lord, have we not in Thy name done many wonderful works?" to escape just punishment for working iniquity, or to be received among the saints upon his own uncorroborated testimony. By the Mormon cases, the Supreme Court of the United States has made it plain, if it were ever in doubt, that no one under the cloak of religion can violate law to gratify lust or greed, or for any other motive. Thugs may not kill because murder is their creed. And there is no reason why ignorant persons[1] should be allowed to trifle with human life to the public peril, even though they wish to do well and have no worse motive than to receive a fee.

The right of the State to forbid the ignorant to engage in the business of healing the sick by any system

[1] In order to be satisfied of the ignorance, recklessness, credulity, and assurance of the "Scientists," one need only read the "certificates" published in "Miscellaneous Works" along with Mrs. Eddy's "Poems." It seems that the new gospel has been successfully preached in the Massachusetts State Prison. One of Mrs. Eddy's correspondents, "J. B. H." whether a temporary sojourner in the prison or not is not quite clear, writes that after reading "Science and Health" for some days he was "affected by drowsiness followed by vomiting. This lasted several hours." He then slept and "awoke healed." Thereafter in three treatments he cured a *child* "that the M. D.'s said was dying of lung fever." In two treatments he cured a *ruptured child;* and in one treatment he healed an old lady of heart disease and chills. To top off with and keep his hand in, he, in two weeks of *absent treatment*, cured a lady of insanity who never saw him, nor even suspected what he was up to. Misc. W., pp. 405, 406.

whatever, is established; and therefore whether or not such persons may practice Christian Science depends entirely upon the phrasing of the statute. Where, as in Nebraska, the law defines a medical practitioner as one who "professes to heal" the sick, the practice of Christian Science by unlicensed persons is a violation of law; but in jurisdictions where medical practice is forbidden, yet the use of drugs or instruments is made the test of such practice, the "Scientist" may pursue his business. So, too, the liability of these people to penalties for their failure to report contagious diseases or deaths of patients depends on the phrasing of the law or ordinance, and they certainly should be required, if allowed to practice, to make such reports, even though they believe in neither disease nor death.

In England, unlicensed medical practice is not a misdemeanor; and, therefore, an illegal practitioner cannot there, as with us, be found guilty, constructively, of manslaughter, should his patients die. But it is a general rule of law that a person undertaking a duty must possess skill and knowledge competent for its successful discharge. If a person engage in the business of curing the sick without such competent skill and knowledge, he becomes civilly liable in damages for injuries resulting from his incompetence; and if, by reason of his gross negligence, ignorance or carelessness, his patient die, then he is guilty of manslaughter at least, and may be guilty of murder. Upon these principles the famous quack, St. John Long, was convicted of manslaughter at the Old Bailey in 1830. And, in 1884, one Pierce was simi-

larly convicted in Massachusetts. This gross and wicked negligence may manifest itself either positively, as when one administers recklessly or ignorantly a powerful drug, or negatively, as when a Christian Scientist or other fanatic, thrusting himself into the place of a competent person and assuming the duty of care, deprives the patient of proper attention, and permits or advises unsuitable diet, improper clothing or other harmful violation of hygienic laws. The fact that Christian Scientists, Faith Curers, Mind Curers, and practitioners of like sort, do not customarily administer drugs or use instruments, is not sufficient reason why they should escape liability for injuries resulting from their treatment. It is said in a very recent case that a shipmaster may be liable in damages for negligently losing his brig, although his negligence was due to temporary insanity; the general rule of law being that, as the results of his misfortune should be borne by him, not by the equally innocent, an insane person is to be held civilly responsible for "what in sane persons would be willful and negligent conduct." Thus, the best plea that could be made for a Christian Scientist, religious insanity, would be of no avail in an action against him for damages proven to have resulted from his negligence.

The sum of the matter, then, is this: Under existing laws, wherever the statute forbids any one without license to undertake to "heal" the sick, or uses equivalent words, and wherever the phrase "practice of medicine" is not construed by the Courts as applying exclusively to the administration of drugs and the use

of instruments, Christian Scientists, undertaking the cure of the sick without license to practice medicine, become subject to the penalties of the law. They may be also, according to the phrasing of the statute, punishable for failure to report contagious diseases, and for other violations of health ordinances. They are civilly liable in damages for their malfeasances and misfeasance; and, if death can be shown to have resulted from their gross ignorance or neglect, they may be indicted for manslaughter. English cases apparently to the contrary seem to proceed upon a theory that the negligent persons owed no duty to the deceased. The recent case, for example, of the newspaper correspondent who died while in care of Christian Scientists establishes nothing. It was not prosecuted—for what reason does not satisfactorily appear, but presumably because the fanatics in attendance on decedent were only rendering friendly services and did not owe deceased a duty. I may lawfully believe in suicide and discuss the examples of Socrates and Cato without being liable for the death of a friend who imitates them, but I may not lawfully participate in the suicidal act. And Mr. Justice Hawkins is said by the *Law Journal* to have carefully guarded himself against appearing to sanction the course adopted in Frederic's case.

New legislation in the premises is not called for, except, perhaps, to define "practice of medicine" more broadly in some jurisdictions. Such a definition was stricken from the New York Medical Act of 1887 by a Senator who feared it would operate against a friend of his who kept a bathing house. Last year a

bill of somewhat the same purport seems to have been abandoned by the Senator having it in charge, for no other reason, so far as can be learned, than that more than the usual number of ladies appeared to oppose it. Children are now very generally protected by special laws. No statute can cure an adult of folly. Laws specifically forbidding the practice of Christian Science would only provide that cheap martyrdom which would be welcomed by an advertising business, and would be wrong, both in principle and policy. The delusion itself is bound to die, as did that of John of Leyden and many another before and since that prophet's time; and it is quite certain to be succeeded by others.

In New York city about 1832, a period of "great awakening" that begat Mormonism and many other sects—among them one in Kentucky, whose members, in order to win Heaven by making themselves as little children, used to crawl on their hands and knees in church, play marbles, trundle hoops and otherwise manifest their infantile madness—one Matthews,[1] a carpenter, having assumed the name Matthias, proclaimed himself to be God, the Father. He found believers, most of them ignorant but some intelligent, procured much money and ruined many persons. He and his disciples claimed to heal the sick quite as successfully as the Scientists now do. One of them, a Mr. Pierson, a victim of religious delusion, even before the coming of Matthias, had endeavored under most distressing and pathetic circumstances publicly to raise his wife from the dead, accepting literally the verse

[1] Matthias and his Impostures, Harpers, 1836.

of the General Epistle of St. James directing the elders to anoint and pray over the sick, and promising that "the Lord shall raise him up." Matthias, being eventually indicted for procuring $630 from a Mr. Folger under the false pretence that he was God, able to remit sins, and would communicate the Holy Ghost to said Folger, the District Attorney entered a *nolle prosequi* for these reasons: To maintain the indictment, he said, I must prove that defendant's pretences were false and would deceive a man of ordinary intelligence and prudence, but no sane person would believe that Matthias is God, nor can I establish the falsity of his statement by legal evidence. Matthias was, however, convicted on lesser charges.

The memory of the adventuress, Diss de Bar, is fresh. In 1888 she was convicted by a New York jury of fraud in obtaining money from a lawyer of admittedly large attainments, and a former associate of Mr. Webster. She, too, sought to cloud the real issue by claiming that the right to believe in Spiritualism was involved. During her trial, the usual train of "ladies" and "intelligent persons" attended her, one of her satellites being a former diplomat and an ex-Regent of the University of the State. Since her imprisonment her star has waned. These cases illustrate at once the difficulty and possibilities of dealing with religious fanatics through existing laws, when wrong theory is reduced to harmful practice.

That Christian Scientists frequently offend against the criminal law seems to be clear, and their prosecution in such cases would be of value if it enlightened the public as to their real teaching; for it seems

scarcely possible that an intelligent person, becoming fully acquainted with "Science and Health" and its teachings, could fail to visit Mrs. Eddy's cult with condemnation as strong as that which she unsparingly lays upon the competing cults of Faith Curers, Mind Curers, Animal Magnetists and Clairvoyants; or that any one of taste or humor, after reading the "Poems" and quack advertisements of the "Miscellaneous Writings," would not blush to confess himself a disciple of the new "thought." Publicity will destroy the cult far more quickly than legislation.

II.

THE CASE AGAINST CHRISTIAN SCIENCE.[1]

In the March number of the *North American Review*, it was essayed in the article, "Christian Science and its Legal Aspects," to state clearly, as far as that is possible, the teachings of Mrs. Eddy; using, in order to be scrupulously fair, her own words, and referring each citation to its page in her text-book, "Science and Health, with Key to the Scriptures."

It was there said: "Publicity will destroy the cult far more quickly than legislation." In that belief it is proposed here, with equal fairness, by quotations from her books, "Miscellaneous Writings" and "Retrospection and Introspection," the latter being autobiographical in character, to show something of the life, pretensions, methods and literary output of this remarkable woman, leaving the reader to judge from her own words whether she is, as her partisans assert, learned, modest, truthful and generous, or, as her adversaries declare, ignorant, irreverent, boastful, and greedy. We assume that candid, intelligent persons, interested in her teachings and alleged marvellous cures, are willing to learn the truth and try the teacher upon her utterances in the forum of common sense. If Mrs. Eddy did nothing more than teach a philosophic or religious theory we should waste no time in academic discussion of it. But she teaches a practice that daily puts the lives of adults and, more horrible

[1] From the *North American Review*.

still, of little children at the mercy of persons ignorant both of medical and mental science.

Some of her quondam friends and disciples have published matter denouncing Mrs. Eddy and attributing her theories and her cure of a severe illness to a Mr. P. P. Quimby,[1] deceased, whom she disparages as "an uneducated man." To our apprehension, a fair representation of the woman and her works will be more profitable than heated controversy or labored argument. We concede to her, for what it is worth, the discovery of Christian Science, and ask no more than that the reader, friendly or hostile, examine judicially these gleanings from her works and form his own conclusions.

It has been said that the best corrective of judgment is the sense of humor, the faculty of appreciating one's own absurdities. Mrs. Eddy and her disciples take themselves very seriously. But that Mrs. Eddy considers the rival system of Faith Cure ridiculous, appears from this merry jest of hers:

"When looking deeply into the effects of faith based on corporeal personality instead of the Divine Principle, the following colloquy is suggested:

"'Have you ever tried the faith-cure?' asked a solemn looking stranger of a gentleman in a street car. 'I have," was the answer. 'Do you believe in it?' 'I do.' 'May I ask of what you were cured?' 'Certainly; I was cured of my faith.'"[2]

Thus, by example, she invites a display of her own drolleries.

[1] See two articles in the *Arena* for May, 1899, by Horatio W. Dresser and Josephine C. Woodbury.

[2] "Retrospection and Introspection," p. 68.

Who, then, and what is Mrs. Mary Moss Baker Glover Patterson Eddy, who in 1866, threw light upon the Gospels for lack of which saints, sages and poets, stumbling in darkness through the ages, have failed to apprehend the Saviour's teaching; who has written a book the mere reading of which cures cancer; to whom churches are built wherein is read the Lord's Prayer expanded and improved by her interpolations?

One of her foremost apostles, Mr. Carol Norton, a young gentleman belonging to "The International Board of Lectureship of the Mother Church of Christian Science in Boston, Mass.," in a lecture copyrighted in 1898,[1] presumably with her approval, thus describes her—he uses the past tense, but the lady still lives as mortal mind understands the term:

"A quiet dignity and a divine perseverance were her conspicuous characteristics. *Her life motives were essentially unselfish, philanthropic and idealistic.* As a student she was penetrating, inquiring, progressive. Perhaps her strongest point was that she always worked in a direct line. *One of her most marked characteristics was that, if she had worked mentally in a wrong direction, she could turn about with intelligent ease.* . . . While from the human standpoint she inherited the *refinement that goes with culture of family and moral rectitude, yet* there was a marked degree of spiritual *grace, delicacy and elegance which comes not from human ancestry, neither from communion with nature. It was the exquisite coloring of the touch of the hands of divine Mind which opens the petals of thought,* as it does of the opening rose, and evolves a symmetry of disposition, temperament and

[1] Printed in the *Troy Record*, February 28, 1899.

poise *which is at once recognized as of Divine not human origin. . . . She spent no time in intellectual drifting. Intuition and logic she united in her mental processes of reasoning. . . . Adherence to the impersonal and scientific deductions of the philosophical teachings of Mary Baker Eddy represents nothing different from the loyalty of a mathematician to the unchanging rule of mathematics.*"

The italics are ours. If the description seems perfervid, it should be remembered that Mrs. Eddy calls herself and is called by her disciples "Mother,"[1] and Mr. Norton's words are little stronger than those addressed by *pius* Æneas to his dam, "*Haud tibi voltus mortalis, nec vox hominem sonat: O, dea certe!*"

Any reader of Mrs. Eddy's books will admit the ease with which she turns about; whether it be intelligent or consistent with logic and loyalty to unchanging rules is another matter.

An apostle worthy of the name should have a somewhat extraordinary childhood, and Mrs. Eddy writes:

"For some twelve months, when I was about eight years old, I repeatedly heard a voice calling me distinctly by name, three times in an ascending scale."

Her mother persistently ignored this occurrence, until one day a cousin, Mehitable Huntoon, also heard the voice. Then Mrs. Baker told Mary of little Sam-

[1] Thus an alleged disciple writes: "Dear Mother: The most blessed of women! Oh, how I long to sit within range of your voice and hear the Truth that comes to you from on High! for none could speak such wondrous thoughts as have come from your pen, except it be 'the Spirit that speaketh in you.'" "Miscellaneous Writings," p. 415.

Mrs. Eddy constantly applies the title to herself, for example: "I, for one, would be pleased to have the Christian Science Board of Directors itemize a bill of this church's gifts to Mother." "Miscellaneous Writings," p. 131.

uel and bade her answer when next she heard the voice, "Speak, Lord, for thy servant heareth." The child obeyed; but the result was disappointing:

"When the call came again I did answer, in the words of Samuel, but never again to material senses was that mysterious call audibly repeated."[1]

Apparently the voice had nothing particular to say.

At the age of twelve, Mary was admitted to the Congregationalist Church, after much perturbation over the doctrine of unconditional election or predestination, due to very creditable unwillingness to be saved if her brothers and sisters were to be damned. Her mental distress brought on fever, so the physician said; and her mother bade her seek God in prayer. Obedience this time brought an excellent result:

"A soft glow of ineffable joy came over me, the fever was gone, and I arose and dressed myself in a normal condition of health. Mother saw this and was glad. The physician marvelled; and the 'horrible decree' of Predestination—as John Calvin rightly called his own tenet—forever lost its power over me."[2]

Notwithstanding her refusal to accept Calvin's doctrine, the good pastor insisted that she had been "truly regenerated;" and she was received into the communion, of which she says:

"My connection with this religious body was retained *till I founded a church of my own, built on the basis of Christian Science, Jesus Christ himself being the chief corner stone.*"[2]

[1] Under the caption, "Voices not our own" ("Retrospection and Introspection," pp. 16–18).

[2] "Theological Reminiscences," "Retrospection and Introspection," pp. 20–24.

In telling of her Early Studies,[1] Mrs. Eddy accounts for her constant disregard of the once respected shade of Lindley Murray:

"My father was taught that my brain was too large for my body, and so kept me much out of school, but I gained book-knowledge with far less labor than is usually requisite. At ten years of age I was as familiar with Lindley Murray's Grammar as I was with the Westminster Catechism; and the latter I had to repeat every Sunday. My favorite studies were Natural Philosophy, Logic and Moral Science. To my brother Albert I was indebted for lessons in the ancient tongues, Hebrew, Greek and Latin. *My brother studied Hebrew during his college vacations. After my discovery of Christian Science, most of the knowledge I had gleaned from school books vanished like a dream.*"

This unfortunate effect of Mrs. Eddy's discovery, apparent on almost every page of her writings, accounts for her early defence of her system against the charge of Pantheism upon the assumption that "the word Pantheism was derived from the sylvan God Pan," and also for her confusion of Gnosticism with Agnosticism.[2] These errors of mortal mind are quite understandable when we consider that the teacher, if she ever knew anything of history, religion, or philosophy, had forgotten all that she had learned from books.

Miss Mary Moss Baker in 1843 married Col. George Washington Glover, of South Carolina,[3] of whom she says:

[1] "Retrospection and Introspection," p. 19.
[2] May "*Arena*," p. 561.
[3] "Retrospection and Introspection," p. 24.

"He was spared to me for only one brief year. He was in Wilmington, North Carolina, *when the yellow fever raged* in that city, and was suddenly attacked by this *insidious disease*, which in his case proved fatal."[1]

This admission that "insidious disease" exists and can rage must be a slip of the pen. We are all aware now that Disease and Death are only errors of mortal mind.

Upon Col. Glover's death, his widow returned to New England, where a child was born who, at the age of four years, was sent away and not seen by her again until, at the age of thirty-four, he visited her in Boston. Upon their separation she wrote the poem "Mother's Darling," of which she gives us only one verse:

> "Thy smile through tears, as sunshine o'er the sea,
> Awoke new beauty in the surge's roll!
> Oh, life is dead, bereft of all, with thee,—
> Star of my earthly hope, babe of my soul."[2]

Mrs. Mary Moss Baker Glover contracted second nuptials with a gentleman whose name does not appear in "Retrospection and Introspection," although the event is thus referred to:

"My second marriage was very unfortunate, and from it I was compelled to ask for a bill of divorce, which was granted me in the city of Salem, Massachusetts. My dominant thought in marrying again was to get back my child. The disappointment which followed was terrible. His stepfather was envious; and although George was a tender-hearted and manly boy, he hated him as much as I loved him."[3]

Adherence to Mr. Murray's forgotten rules might

[1] "Retrospection and Introspection," p. 24.
[2] "Retrospection and Introspection," p. 26.
[3] "Retrospection and Introspection," p. 27.

have made clearer who hated whom; and it is certainly unfortunate that anybody hated any one; for hate, we are taught, is, like fear, a cause or form of disease. It appears, however, from a letter of the lady who is now Mrs. Eddy, written on March 7, 1883, to the *Boston Post* and quoted by Mr. Dresser[1] that this second consort was Dr. Patterson, "a distinguished dentist" who, while his wife was away from home, undergoing Mr. Quimby's treatment, eloped "with a married woman from one of the wealthiest families." The distinction of the doctor and the wealth of the erring lady might seem to have been mentioned as softening the blow, were it not that, in reality, there was no blow to soften, as transpires from these words of the apparently deserted wife:

"It is well to know, dear reader, that this bit of material history is but the record of dreams, *not of real existence*, and the dream has no place in Christian Science. It is as 'a tale that is told,' and as 'the shadow when it declineth.'"[2]

Notwithstanding—perhaps, indeed on account of—this unreality of marriage, Mrs. Mary Moss Baker Glover-Patterson, thirty-four years after her first alliance, and when somewhere about sixty years of age, as nearly as we can compute, entered upon a third, of which she says under the caption, "A True Man:"[3]

"My last marriage was with Asa Gilbert Eddy, and was a blessed and spiritual union, solemnized at Lynn, Massachusetts, by the Rev. Samuel Barrett Stewart, in the year 1877. Dr. Eddy was the first student to

[1] May "*Arena*," p. 545.
[2] "Retrospection and Introspection," p. 27.
[3] "Retrospection and Introspection," p. 54.

publicly announce himself a Christian Scientist, and place these symbolic words on his office sign. He forsook all to follow in this line of light. He was the first organizer of a Christian Science Sunday-school, which he superintended. He also taught a special Bible-class; and he lectured so ably on Scriptural topics that even ministers listened to him with mingled surprise and approbation. He was remarkably successful in Mind-healing, and untiring in his chosen work. In 1882 he passed away, with a smile of peace and love resting on his serene countenance."[1]

To our natural instinct, this dealing with a lady's repeated dreams is distasteful. We lack sympathy with the common desire to pry into love affairs of the great. But when philosophers like Jean Jacques and Mrs. Eddy insist on taking us behind the veil, there is nothing for it but to drop our sandals and trot along. Indeed, unless we yielded our scruples in the present case, we should by excess of delicacy lose the "*nexus*" and be plunged into obscurity. This is Mrs. Eddy's avowed reason for relating these three "dreams" and shadows that declined:

[1] It is said in the May *Arena* (p. 563): "The physician who conducted the autopsy says that the death was the result of distinctly developed heart disease; but Mrs. Eddy declared that it was the result of *arsenical poisoning mentally administered*"! However that may be, it is true that Christian Science did not save Mr. Eddy, although, if we may believe these words of his wife, it would have saved her. "When the mental malpractice of poisoning people was first undertaken by a mesmerist, to test that malpractice, I experimented by taking some large doses of morphine, to see if Christian Science could not obviate its effect; and I say with tearful thanks, 'The drug has no effect upon me whatever.' The hour has struck, 'If they drink any deadly thing, it shall not hurt them.'" "Miscellaneous Writings," topic "Falsehood," p. 249. This surpasses Cagliostro's challenge to the Empress Catherine's physician, who denounced him as a quack and his elixir as a humbug. Prepare, said Cagliostro, the most deadly poisons of which you know and I will do the same. I will take your poison and then swallow a dose of my antidote. You shall take mine and save yourself as best you can.

"Mere historic incidents and personal events are frivolous and of no moment, unless they illustrate the ethics of Truth. To this end, but only to this end, such narrations may be admissible and advisable; but if spiritual conclusions are separated from their premises, the *nexus* is lost, and the argument, with its rightful conclusions, becomes correspondingly obscure."[1]

In view of her concrete experiences, Mrs. Eddy's opinions upon marriage in the abstract become interesting. In reply to the question, "What do you think of marriage?" she answers:

"That it is often convenient, sometimes pleasant, and occasionally a love affair. Marriage is susceptible of many definitions. It sometimes presents the most wretched condition of human existence. To be normal it must be a union of the affections that tends to lift mortals higher."[2]

That her so-called "science" does not fully accord with the prevalent views of decent men she admits by replying in this manner to the question: "Is marriage nearer right than celibacy?"

"*Human knowledge inculcates that it is, while Science indicates that it is not.* But to force the consciousness of scientific being before it is understood is impossible, and believing otherwise would prevent scientific demonstration. . . .

"Rights that are bargained away must not be retaken by the contractors, except by mutual consent. *Human nature has bestowed on a wife the right to become a mother; but if the wife esteems not this privilege, by mutual consent, exalted and increased affections, she may win a higher.* Science touches the

[1] "Retrospection and Introspection," p. 28.
[2] "Miscellaneous Writings," p. 52.

conjugal question on the basis of a bill of rights. Can the bill of Conjugal Rights be fairly stated by a magistrate or by a minister?"[1]

The abolition of marriage she seems to consider possible, if not desirable, although not now practicable.

"To abolish marriage at this period, and maintain morality and generation, *would put ingenuity to ludicrous shifts, yet this is possible in Science, although it is to-day problematic.*"[2]

Quitting gladly these recitals of "personal events," that have given us "*the nexus*," we may turn to Mrs. Eddy's account of her priceless discovery that the study of Anatomy, Physiology and every branch of Medical Science, the practice of Medicine, according to any School, or of Animal Magnetism, Movement Cure, Clairvoyance, Mind Cure and Faith Cure, even the taking of exercise and observance of hygienic rules, are all wrong and harmful, Christian Science being the sole curative.[3] She says:

"This discovery was so new,—the basis it laid down for physical and moral health was so *hopelessly original*, and men were so unfamiliar with the subject, that I did not venture upon its publication until later."

But eventually she published her first book, "The Science of Man," and she tells us that when "people were healed by simply reading it, the copyright was infringed. I entered a suit at law and my copyright was protected."[4]

Here we see that Mrs. Eddy's "Key to the Scrip-

[1] "Miscellaneous Writings," pp. 288, 289.
[2] "Miscellaneous Writings," p. 286.
[3] See p. 23 for citations upon this point.
[4] "First Publications," "Retrospection and Introspection," p. 47.

tures" does not interpret literally the command, "Give to him that asketh thee, and from him that would borrow of thee turn not thou away;" or the other, "And if any man will sue thee at the law and take away thy coat, let him have thy cloak also." She vociferously cries "copyright, copyright," lest her students or the Quimbyites nest, Bathylluslike, where she has builded. Fear is disease; yet in terror lest her own disciples filch her discovery, she sets up this scarecrow on her literary domain.

"*If you should print and publish your copy of my works you would be liable to arrest for infringement of copyright, which the law defines, and punishes as theft!* . . . Your manuscript copy is liable, in some way, to be printed as your original writings, thus incurring the penalty of the law, and increasing the record of *theft* in the United States Circuit Court."[1]

Thus, while claiming supernatural knowledge of God's laws, Mrs. Eddy, to protect her pocketbook, grossly misstates the law of the land, under which infringement of copyright is not theft or punishable as crime.

It was high time for some one to discover Mrs. Eddy's discovery; for she says with that modesty of which we are in quest:

"Even the Scripture gave no direct interpretation of the Scientific basis for demonstrating the spiritual Principle of healing, until our Heavenly Father saw fit, through the 'Key to the Scriptures,' in 'Science and Health,' to unlock this 'mystery of godliness.'"[2]

[1] "Miscellaneous Writings," p. 300. See also "Retrospection and Introspection," under the titles "The Precious Volume," pp. 49–51, and "Plagiarism," p. 93.

[2] "Retrospection and Introspection," p. 51.

This fear lest her copyright be infringed constantly haunts Mrs. Eddy. As late as June 4, 1899, in her address to the First Church at its annual communion, she says: "All published quotations from my works must have the author's name added to them; quotation marks are not sufficient. Borrowing from my copyrighted works without credit is inadmissible."[1]

Unless she had found the key to this mystery no one else could have done so:

"It is often asked why Christian Science was revealed to me as *one Intelligence analyzing, uncovering, and annihilating the false testimony of the physical senses. . . . No one else can drain the cup which I have drunk to the dregs, as the discoverer and teacher of Christian Science; neither can its inspiration be gained without tasting the cup.*"[2]

P. P. Quimby in particular, Mrs. Eddy says, could not have originated her system because:

"No mortal could first have informed the human mind of what the mortal and carnal cannot discern."[3]

That is to say, Mr. Quimby being mortal and carnal never could have discovered what Mrs. Eddy found out because of her immortality and uncarnality. But from this position, when it suits her purpose, she turns with "intelligent ease," and claims for herself health and other carnal attributes. Thus answering allegations that she was "sick, and unable to speak a loud word," Mrs. Eddy says:

"Lecturing, writing, preaching, teaching, etc., give

[1] "New York *Times*, June 5, 1899, and other journals of the time.
[2] "Retrospection and Introspection," pp. 38, 39.
[3] "Retrospection and Introspection," p. 44.

fair proof *that my shadow is not growing less and substance is taking larger proportions.*"[1]

This boast puts her in a "parlous state" under her own definitions:

"The physical senses or sensuous nature I called error and shadow. Soul I denominated substance because soul alone is truly substantial."[2]

Having discovered Christian Science, it next became necessary to exploit the discovery and Mrs. Eddy went about the task systematically.

"In 1867 I introduced the first purely metaphysical system of healing since the Apostolic days. I begun by teaching one student Christian Science Mind-healing. From this seed grew the Massachusetts Metaphysical College in Boston, chartered in 1881. *No charter was granted for similar purposes after* 1883. It is the only College hitherto for teaching the pathology of spiritual power, alias the Science of Mind-healing."[3]

She does not recite her charter or its purpose; and what she omits to say is often more significant than what she says. But the records of the Commonwealth contain the instrument, which does not mention either Christian Science or any new discovery, but simply incorporates a College for the purpose of "teaching pathology, ontology, therapeutics, moral science, metaphysics and their adaptation to the treatment of disease." This charter[4] was granted under an Act concerning Associations for Religious, Charitable, Educa-

[1] "Miscellaneous Writings," p. 238.
[2] "Retrospection and Introspection," p. 90.
[3] "Retrospection and Introspection," p. 55.
[4] See frontispiece.

tional and other purposes,[1] under which were organized four other colleges mentioned in the Fifth Annual Report of the Illinois Board of Health[2] as fraudulent. This Act was subsequently merged into Chapter 115 of the Public Statutes. Owing to the shameless manufacture and sale of diplomas, the so-called "anti-diploma law" was enacted in 1883,[3] prohibiting societies organized for medical purposes under that statute from conferring degrees or issuing diplomas, unless specially authorized by the Legislature so to do. Conferment of degrees in violation of this law was made punishable by a fine of not less than $500 nor more than $1,000; and here would seem to be sufficient explanation of the facts that "no charter was granted for similar purposes after 1883," and that Mrs. Eddy came in the end, as we shall see presently, to entertain "conscientious scruples about diplomas."

Mrs. Eddy's institution, if we may believe her, prospered marvellously. Its course was short, its faculty small, its tuition fees greater than those of Harvard, Yale or Columbia. Its instruction was contained in one text-book. Its classes were only three in number, the primary, the normal and the obstetric. Mrs. Eddy seems to have taught them all; and why not, since one principle applies to all cases, whether of fevers, wounds, difficult labors or any other forms of error in mortal mind? So far as appears from "Retrospection and Introspection," the only other

[1] Ch. 375, Acts 1874; embodied later in Ch. 115, Public Statutes.

[2] Excelsior, Bellevue, Medical Department of American University of Boston, First Medical College of American Health Society.

[3] Act June 30, 1883.—Dr. Booth in 1893 was sent to prison for selling in New York the Excelsior's diplomas.

teachers were her last husband, Asa G. Eddy, who taught two terms, her adopted son, Ebenezer J. Foster Eddy,[1] who taught one term, and a military gentleman, of whom she says:

"General Erastus N. Bates taught one primary class in 1889, after which I judged it best to close the institution."[2]

It made no particular difference in what class students studied. The primary instruction was all sufficient, and even that was unnecessary; for Mrs. Eddy expressly says:

"A Primary class student richly imbued with the spirit of Christ, is a better healer and teacher than a Normal class student who partakes less of his love. Having received my instructions in the Primary class and afterward studied thoroughly '*Science and Health*,' the student should not hesitate to enter upon this privileged Gospel work, and so fulfil the command of Christ. Yea, an apt Bible scholar and a consecrated Christian by *deeply dipping into my last revised* '*Science and Health*,' may even enter this field of labor without any personal instruction,—*beneficially to himself* and the race."[3]

The curriculum consisted of only twelve lessons, lasting half a day each and extending over three weeks. The tuition fee was three hundred dollars. Mrs. Eddy admits that she was staggered when this sum suggested itself to her. But God, notwithstanding her unselfishness, led her to try the experiment and it succeeded. We are not burlesquing; that is

[1] This gentleman, according to the *Arena*, has renounced both Mrs. Eddy's name and her nonsense.

[2] "College and Church," "Retrospection and Introspection," p. 55.

[3] "College Closed," "Retrospection and Introspection," p. 60, 61.

impossible; her own words fairly travesty burlesque.

"*When God impelled me to set a price on my instruction in Christian Science Mind-healing, I could think of no financial equivalent for an impartation of a knowledge of that divine power which heals; but I was led to name three hundred dollars as the price for each pupil in one course of lessons at my college,—a startling sum for tuition lasting barely three weeks. This amount greatly troubled me. I shrank from asking it, but was finally led, by a strange Providence, to accept this fee.*

"God has since shown me, in multitudinous ways, the wisdom of this decision; and I beg disinterested people to ask my loyal students if they consider three hundred dollars any real equivalent for my instruction *during twelve half days or even in half as many lessons.* Nevertheless, my list of indigent charity scholars is very large, and I have had as many as seventeen in one class."[1]

Why should her "students" have grumbled at the price? Reputable medical colleges require their students to study for years before conferring degrees upon them. They also require of them, before admission, preliminary education. Most of the States forbid unlicensed persons to practice medicine, and some exact a State examination of medical graduates as prerequisite to license. But here was a school pretending to teach, under the guise of religion, an infallible method of cure to any one able to read a single book of nonsense. The head of the college, having avowed that, by the very operation of her new discovery, she had forgotten what little she had

[1] "Retrospection and Introspection," p. 64.

learned from books, naturally required no preliminary education of her disciples. On the contrary, she expressly discouraged it, as appears from this question and answer:

"What can prospective students of the College take for preliminary studies? Do you regard the study of literature and languages as objectionable?

"Persons contemplating a course at the Massachusetts Metaphysical College, can prepare for it through no books except the Bible and 'Science and Health with Key to the Scriptures.' Man-made theories are narrow, else extravagant, and always materialistic."[1]

Again she says:

"I recommend students not to read so-called scientific works, antagonistic to Christian Science, which advocate materialistic systems; because such works and words becloud the right sense of Metaphysical Science."[2]

Having thus impressed the duty of ignorance upon her disciples, she dubbed them, within three weeks or less, in consideration of the fee of $300, doctors of Christian Science, and bade them treat all diseases. The price was cheap enough. Buchanan's notorious college offered no easier terms; and it was not strange if her institution prospered; but Mrs. Eddy probably does not underestimate its prosperity when she says that just before its dissolution, 300 students were clamoring for admission. Assume this to be true, then, at $300 each, these "students" would have paid $90,000 for twelve half-days' instruction, or $7,500 a half-day! Why was this Golconda closed? From unselfishness and *conscientious scruples* about diplomas!

[1] "Miscellaneous Writings," p. 64.

[2] "Admonition," "Retrospection and Introspection," p. 96.

"The apprehension of what has been, and must be, the final outcome of material organization, which wars with Love's spiritual compact, *caused me to dread the unprecedented popularity of my College.* Students from all over our Continent and from Europe were flooding the school. At this time there were over three hundred applications from students desiring to enter the college, and applicants were rapidly increasing. Example had shown the dangers arising from being placed on earthly pinnacles. Even goodness shuns whatever involves material means for the promotion of spiritual ends.

"In view of all this, a meeting was called of the Board of Directors of my college, who, being informed of my intention, unanimously voted that the school be discontinued. . . .

"The Massachusetts Metaphysical College drew its breath from me, but I was yearning for retirement. The question was, Who else could sustain this institute, under *all that was aimed at its vital purpose*, the establishment of genuine Christian Science Healing. *My conscientious scruples about diplomas*, the recent experience of the church fresh in my thoughts, and the growing conviction that every one should build on his own foundation, subject to the one builder and maker, God,—all these considerations moved me to close my flourishing school."[1]

Does not this explanation over-tax credulity? Was any other college ever closed because of its "unprecedented popularity"? Was it the anti-diploma law that was "aimed at its vital purpose"? Why is it, too, that notwithstanding these "conscientious scruples about diplomas" a great number of persons, male and female, still tack to their names the symbolic letters "C. S." and "C. S. D." recently acquired upon what

[1] "Retrospection and Introspection," pp. 60, 61.

authority it is hard to say, unless it be the right of any free-born citizen, in the absence of prohibitory legislation, to assume any title that strikes the fancy and appropriate all the "symbolic letters" of the alphabet? Having thus fully equipped her pupils, Mrs. Eddy encouraged them to settle down in great cities, not alone for the glory of God, but for this practical reason:

"The population of our principal cities is ample to supply many practitioners, teachers and preachers with work."[1]

And in order that they might "enter this field of labor beneficially to themselves," the shrewd Mother thus taught:

"*Christian Science demonstrates that the patient who pays whatever he is able to pay for being healed is more apt to recover than he who withholds a slight equivalent for health.*"[2]

And yet these people deny in Court, when arraigned for unlawful practice of medicine and manslaughter, that they demand fees for their services!

When was so sordid a doctrine ever preached by medical men? What standing would a physician have who should teach that the cure *depends* upon the fee? Is this preachment inspired by God or Mammon, by Unselfishness or Greed? Whatever its inspiration, it has been so well lived up to that its "discoverer" proudly exclaims:

"In the early history of Christian Science, among my thousands of students few were wealthy. Now

[1] "Admonition," "Retrospection and Introspection," p. 102.
[2] "Miscellaneous Writings," pp. 300, 301.

Christian Scientists are not indigent; and *their comfortable fortunes are acquired by healing mankind, morally, physically, spiritually.*"[1]

With one or two more quotations to illustrate the divine elegance and grace, of which Mr. Norton speaks, and the method by which the new system of healing is advertised, we may leave behind us very cheerfully Mrs. Eddy and all her works. The "Miscellaneous Writings" are made up in about equal proportions of answers to questions, letters and essays, doggerel rhymes and advertising certificates; one or two excerpts will illustrate the author's facility in each department of her work. To one who asks: "Has Mrs. Eddy lost her power to heal?" she replies modestly:

"Has the sun forgotten to shine and the planets to revolve around it? Who is it that discovered, demonstrated and teaches Christian Science? That one, whoever it be, does understand something of what cannot be lost."[2]

To the pertinent question: "How does Mrs. Eddy know that she has read and studied correctly if one must deny the evidences of the senses; she had to use her eyes to read?" She answers:

"Having eyes ye see not! I read the inspired page through a higher than mortal sense. *As matter, the eye cannot see; and as mortal mind it is a belief that sees. I may read the Scriptures through a belief of eyesight*, but I must spiritually understand them to interpret their science."[3]

[1] Preface to "Miscellaneous Writings," p. vii.
[2] "Miscellaneous Writings," p. 54.
[3] "Miscellaneous Writings," p. 58.

Comment upon this would gild refined gold.

Another answer we quote with hesitation, and only because it is thoroughly typical. We fear that ordinary mortal minds will find it not divinely graceful and elegant but rather vulgar and grossly irreverent, offensive to good taste and shocking to piety.

"*Are both prayer and drugs necessary to heal?*" *says the interlocutor, and Mrs. Eddy replies:* "*It is difficult to say how much one can do for himself, whose faith is divided between Catnip and Christ; but not so difficult to know that if he were to serve one master he could do vastly more.*"[1]

Mrs. Eddy's rhetorical flowers are of the gayest, and would have delighted Mrs. Malaprop. One of the most "hopelessly original" occurs in a warning against Animal Magnetism, the specialty of P. P. Quimby, but now considered by Mrs. Eddy, his late patient, to be the "chief delusion," of which the "honest Christian Scientist" must rid himself before he can heal:

"*For it is a Delilah who would lead him into the toils of the enemy, where Cerberus (the apt symbol of Animal Magnetism) waits to devour the self-deceived.*"[2]

Against Delilah and Cerberus thus conspiring, one would be justified in combining with "an allegory from the banks of the Nile." She delights in original martial similes, possibly from association with Gen. Erastus N. Bates. Thus she says:

"As the pioneer of Christian Science I stood alone in this conflict, endeavoring to smite error with the

[1] "Miscellaneous Writings," pp. 51, 52.
[2] "Retrospection and Introspection," p. 73.

falchion of Truth. The rare bequests of Christian Science are costly, and they have won fields of battle from which the dainty borrower would have fled."[1]

This enlistment of "bequests" in active service is more novel than Christian Science itself. In view of their cost and courage they seem to be a sort of Hessians. Again she writes:

"With armor on, I continue the march, command and counter-command, meanwhile interluding with loving thought this afterpiece of battle. Supported, cheered, I take my pen and pruning-book, to 'learn war no more,' and with strong wing to lift my readers above the smoke of conflict into light and liberty."[2]

Why should she persist in marching, fully armed, commanding and counter-commanding "with intelligent ease," if the battle is over? If it is still on, why interlude its afterpiece, grasp pen and pruning-hook and, at the same time, lift readers on a strong wing? It is all sadly puzzling.

Criticism of Mrs. Eddy's poetry we shall not again venture upon. The March *Review* timidly suggested that, in rhyming "débris" with "unweary," "ween" with "dream," "now thus" with "hails us," and "deep" with "complete,"[3] the gifted author, while showing great boldness and originality, had departed from ordinary rhyming conventions. But this position was demolished by a shot from the *Christian Science Sentinel*, of April 20th, 1899.

"His condemnations are exactly like those usually applied to Browning in regard to rhyme and meaning,

[1] "Retrospection and Introspection," p. 38.
[2] Preface to "Miscellaneous Writings," p. x.
[3] See page 18.

but no mother will find fault with the following couplet from 'The Mother's Evening Prayer':

"'Thou love that guards the nestling's faltering flight!
Keep thou my child on upward wing to-night.'"

We frankly admit that no mother would find fault with that couplet—unless she knew how to parse simple English sentences; and we despair of answering the argument that because Browning nods doggerel is poetry.

But however obscure Mrs. Eddy may be in her poetry and controversial writings, she adopts, in that part of "Miscellaneous Writings" devoted to advertising her business, a clear style so remarkably like that of another famous lady of Lynn that it has caused her to be called "the Lydia Pinkham of the Soul." The certificates of cures about to be quoted are included in Mrs. Eddy's "copyrighted" works; and we assume this to indicate authorship, for one as scrupulous as she on this point would scarcely copyright the productions of others.[1]

J. B. H. writes:

"I am glad to tell you how I was healed. Beliefs of consumption, dyspepsia, neuralgia, piles, tobacco,

[1] Since this paper's first appearance, Mr. F. W. Peabody of Boston, has called attention to certain dates, as evidence that Mrs. Eddy's testimonials are not always written by their ostensible signers at the times alleged. The March *Review* mentioned the cure by that lady, one afternoon, of a long-standing bowel complaint, in a baby eighteen months old, which ate heartily of cabbage that night before retiring. The certificate of this feat appears on page 200 of Science and Health, edition of 1887. (See page 27.) It is signed L. C. Edgecomb, is dated "Lynn, June, 1873," and attributes the cure to "Mrs. Eddy" *eo nomine*. But in 1873 Mother was, presumably, named Patterson. She does not pretend to have married Mr. Eddy until 1877. Is this discrepancy of dates due to lapse of memory on the part of the person in charge of the certificate department, or was L. C. Edgecomb's gift of prophecy as remarkable as the Edgecomb baby's digestive apparatus?

and bad language held me in bondage for many years. Doctors that were consulted did nothing to relieve me, and I constantly grew worse. Nearly two years ago a lady told me that if I would read a book called 'Science and Health with Key to the Scriptures,' I would be healed. I told her I would 'go into it for all it was worth,' and I have found that it is worth all. I got the book, and read day and night: I saw that it must be true, and believed that what I could not then understand would be made clear later.

"After some days' reading I was affected with drowsiness followed by vomiting. This lasted several hours; when I fell into a sleep, and awoke healed."[1]

Here is a letter bubbling with unconscious humor. It purports to come from a gentleman who owes his life to Mrs. Eddy's book, yet fears to imperil his health by visiting the author.

"DEAR MADAM:—May I thank you for your book, 'Science and Health with Key to the Scriptures,' and say how much I owe to it—almost my very life—at a most critical time. . . .

"If it were not for the heat of your American summers (I had nine attacks of dysentery in the last one), and the expense, I should dearly like to learn from you personally; but I must forego this,—at any rate, for the present. If you would write me what the cost would be for a course on Divine Metaphysics, I would try to manage it later on.

"Meanwhile, I should be grateful if you would refer me to any one in this country who is interested similarly, for I get more kicks than halfpence in discussing it.

"Your obliged friend,
"(REV.) I. G. W. BISHOP.

"Bovington Vicarage,
"Hemel Hempstead, Herts, England."[2]

K. L. H. recites this remarkable and instantaneous cure of a child by a few pages of "Science and Health."

"A dear little six-year-old boy of my acquaintance was invited by his teacher, with the rest of his class

[1] "Miscellaneous Writings," p. 405.
[2] "Miscellaneous Writings," p. 408.

in Kindergarten School, to attend a picnic one afternoon. He did not feel that he wanted to go; seemed dumpish, and, according to mortal belief, was not well; at noon, he said he wanted to go to sleep.

"His mother took him in her lap and began to read to him from 'Science and Health, with Key to the Scriptures.' *Very soon he expressed a wish to go to the picnic and did go.*"[1]

We have thus given overabundantly and tediously, perhaps, sufficient citations in Mrs. Eddy's own words to enable any intelligent person to judge whether he is willing to accept her intellectual and spiritual leadership, and to believe that God waited nineteen hundred years for her to illuminate, by such jargon as "Science and Health," the teachings of Christ, which, she bluntly says, could not have been apprehended from the Scriptures alone prior to the publication of her "Key." It is with a sense of intellectual humiliation that we have dealt with these dreary and vulgar banalities. The excuse for so doing is found, however, in such incidents as occurred in the City of New York on Sunday, the 28th day of May of this year, 1899, when the Metropolitan Opera House was filled with an audience, certainly of average intelligence, to hear the lecturer already referred to, Mr. Carol Norton, introduced by a gentleman holding judicial office in the State, who declared that legislation directed against Christian Science would infringe upon the constitutional right to religious liberty. While a great number in that audience were animated by mere curiosity, undoubtedly many accepted in good faith Mrs. Eddy's claim to have discovered a new religious truth capable

[1] "Miscellaneous Writings," p. 444.

of healing disease in marvellous fashion. It is because we cannot bring ourselves to believe that such persons appreciate the character of their teacher or the nature of her pretences that we have been willing to reproduce her own account of her life and her methods.

With those who can accept as divinely inspired the absurdities, solecisms and incoherencies of Mrs. Eddy, and who think to explain them by saying that obscurities and errors are to be found in works of the great writers, there can be no argument. "Intelligent ease" in shifting premises precludes discussion. How could the Bishop argue with the genial madman who, after introducing himself as George Washington, said a few moments later that he was Napoleon Bonaparte? "But," said the Bishop, "a moment ago you were Washington." "So I was," said the bedlamite with "intelligent ease," "but by another mother." It is entirely possible, however, to state the case against this pseudo philosophy convincingly to those who are interested in it because of its alleged miraculous cures.

First. As a mere religious or philosophic theory, Christian Science never would have had any vogue. Its fascination lies in its pretended cures. No one suggests taking action to restrain it as a form of worship. The most that has been suggested in regard to it has been that its ignorant votaries should not be allowed to trifle with the life and health of adults, children and the entire community, by assuming the treatment of all classes of disease, including surgical cases and contagious and infectious maladies. To say it is infringement of religious liberty to require the same skill

and knowledge of Christian Scientists, engaging in the business of curing the sick for hire, as is required of Presbyterians or Catholics in the same business shows ignorance of the constitutional doctrine of the Mormon cases, or carelessness of statement, or such wilful misstatement as Mrs. Eddy personally was guilty of when she said that infringement of copyright is theft, punishable criminally.

Second. Christian Science has no healing power peculiar to itself, as distinguished from faith cure or any other method of diverting the mind from the ills of the body. If it had such divine power, its application would be universal; it would be effective in surgery as in physic. Mrs. Eddy pretends that this universal applicability exists; but, in admitting that for the present "it is better to leave the adjustment, of broken bones and dislocations to the fingers of surgeons,"[1] she confesses the falsity of her treatment and the impotence of her method. Mr. Norton has recently shown the same lack of faith and of ability to match promise with performance. Having offered to give medical proof of cures of cancer, locomotor ataxia, etc., he was asked to name the diagnostician and describe the treatment, the precautions to exclude other factors of cure, and the patients' present condition. He produced in fact no testimony of evidential force to trained minds, but only certificates of Christian Scientists similar in kind and value to the "puffs" above quoted from "Miscellaneous Writings." He was asked how he would treat these cases of emergency: a cranial wound caused by a falling brick;

[1] Page 28.

strangulation of a child from swallowing a fish bone; exposure of a child to confluent smallpox; severing of a child's artery by a cable car accident; fracture of a baby's skull by a fall. He was also asked if in curing cancers he made differential diagnosis between them, boils, carbuncles, etc. Lest he be misquoted his written words are given:

"I make no diagnosis except along the lines of *consistent mental therapeutics*. An expert in mental therapeutics will naturally know the character of this diagnosis. Discord is discord. *Pain is pain. Disease is disease.* The principle that cures one if *rightly applied, will cure all.* This is the beginning and end of rational mental healing. In relation to mental treatment for a severed artery, I said simply that *I believed* the *proper* application of *Mind* power would do the same work, if not better, than any other method. I beg that you quote me correctly, if you ever quote me, and I most thoroughly disagree with the understanding you got about diagnosis. In reply to the list of questions that you wrote to me in a recent letter, I have but to repeat my recent utterances in a letter to you, that *I prefer to shelve them*, because to answer them would bring about wholly indifferent results."

The italics are his and ours. To say that Christian Science is efficacious *if rightly or properly applied* leaves open a wide door. *To shelve* the other questions confesses inability to answer them without making fatal admissions. To say "Pain is pain. Disease is disease" flatly contradicts Mrs. Eddy.[1]

[1] The correspondence is more fully set out in a letter to the New York *Sun* published on June 9, 1899, and appearing here in the appendix, (pps. 165, 182). Mr. Norton has never, to the writer's knowledge, denied the fairness or traversed the accuracy of its statements.

Third. Why is it then that Christian Science is credited with these marvellous cures, if its foremost professors cannot adduce any better proofs of them than are afforded by certificates no better in manner and degree than those accompanying every quack nostrum that is advertised. The explanation is simple. In perhaps the majority of cases to which physicians are called, nothing more is needed than regimen and the mental stimulus that comes to the patient with knowledge that he is under skilled care. If a physician falls ill, he calls another to attend him, chiefly for the sake of this mental stimulus and to eliminate the personal factor. Drugs and surgical appliances may be needed in only a small proportion of cases; but, like a revolver in Texas, they are needed greatly when the occasion arises. Many diseases are self limited, many are feigned, or due to a fixed idea which may operate even in surgery, as when a patient, under the erroneous impression that his leg is broken, unconsciously inhibits muscular action and is unable to put foot to the ground, until dispossessed of the inhibitory idea by mechanical devices or any method, even Christian Science, changing the mental attitude. In all such cases, whatever removes the mental tension may be beneficial. Many patients would get well without any attendance at all. To take an illustration: Child-birth, in which Christian Scientists profess great success, is not a disease, but the operation of a normal function. In the absence of complications, attendance is not necessary although it may be desirable. But in the presence of certain complications, the very highest skill is necessary to

save life. Will any sane person say that, because in the vast majority of cases children may be brought into the world safely under the attendance of a Christian Scientist, such a person is to be pardoned who undertakes such a complication as that of *placenta praevia* with neither medical skill nor knowledge? Will any parent be willing, in case a child's artery is severed, to call a Christian Scientist rather than a surgeon? Upon the answers to these questions depends the acceptance by reasoning persons of Mrs. Eddy's theory and claim that her followers can cure all forms of human maladies and injuries, and that they should be allowed to treat medical and surgical cases without the responsibility for malpractice that rests upon medical men.

We devoutly believe that Mrs. Eddy is an instrument in the hands of God, not for the healing of the nations, but to humble us intellectually by showing that, at the end of the nineteenth century, professedly intelligent persons can be as easily duped by her as their forebears were by Cagliostro at the close of the eighteenth.

III

MANSLAUGHTER, CHRISTIAN SCIENCE AND THE LAW [1]

THE recent death of Mr. Harold Frederic under the treatment of a Christian Scientist, and the latter's indictment by an English jury, have renewed the discussion by professional and lay journals of what is and what should be the bearing of the law upon such cases.

The New York *Times*, of which he was correspondent, writes editorially of "Faith-Cure Murders;" the *Sun* of "Manslaughter by Christian Science." The current law journals comment upon the case. Unfortunately such happenings are neither modern nor rare.

Coincidently with Mr. Frederic's death from pneumonia in England, the newspapers also report the deaths of Messrs. Kershaw in Tacoma, and McDowell in Cincinnati, and Mrs. Brown of Washington; the first of pneumonia, the second of typhoid fever, the last of an unnamed malady—all the diseases being complicated with Christian Science. It is only Frederic's prominence as a journalist and fiction writer that brings his case nearer home to the multitude.

The ordinary quack is content to lay claim to some

[1] New York *Medical Record*, Nov. 26, 1898.

special skill or knowledge in the use of natural methods or remedies. Thus in February, 1806, one John M. Crous induced the same Legislature of New York that in the following April chartered the existing county and State medical societies to authorize by special act the purchase for $1,000 and publication in the State papers of his "perfect and infallible remedy and cure for hydrophobia or canine madness." And a wonderful remedy it was. [1]

In the following year an act (ch. 104, ll. 1807) was passed prohibiting unlicensed practice of medicine; with the proviso, however, that it should not be con-

[1] Here is the prescription, and it certainly seems adequate to put an end to hydrophobia or any other malady:

"First: Take one ounce of the jawbone of a dog, burned and pulverized, or pounded to fine dust.

"Secondly: Take the false tongue of a newly foaled colt; let that be also dried and pulverized; and,

"Thirdly: Take one scruple of verdigris, which is raised on the surface of old copper by lying in the moist earth; the coppers of George I. or II. are the purest and best. Mix these ingredients together, and if the person be an adult or full grown, take one common teaspoonful a day, and so in proportion for a child according to its age. In one hour after take the filings of the one-half of a copper of the above kind, if to be had; if not, then a small increased quantity of any baser metal of the kind; this to be taken in a small quantity of water.

"The next morning, fasting (or before eating), repeat the same as before. This, if complied with after the biting of a dog, and before the symptoms of madness, will effectually prevent any appearance of disorder; but after the symptoms shall appear a physician must immediately be applied to, to administer the following, viz:

"Three drachms of the verdigris of the kind before mentioned, mixed with half an ounce of calomel, to be taken at one dose. This quantity the physician need not fear to administer, as the reaction of the venom will then diffuse through the whole system of the patient, neutralize considerably the powerful quality of the medicine; and,

"Secondly: If in four hours thereafter the patient is not completely relieved, administer four grains of pure opium or one hundred and twenty drops of liquid laudanum.

"N. B.—The patient must be careful to avoid the use of milk for several days after taking any of the foregoing medicine.

"JOHN M. CROUS."

strued to debar any one from using, or applying for the benefit of the sick, roots or herbs the growth or product of the United States. This exception favored at once the principle of protection to the industry of home herbs and the teachings of the Thomsonian or botanic school of medicine, founded upon the simple, obvious theory that mineral remedies are injurious because, their nature being to remain in the earth, they tend to drag man down to the grave; while herbs, having by nature an upward, skyward thrust, tend, on the contrary, to the advancement of those whose midst they penetrate.

This system, once as popular as Christian Science, furnished the leading American case on manslaughter by medical malpractice, that of Commonwealth v. Thomson (6 Mass. 134). It there appeared that Samuel Thomson, founder of the system, undertook to cure "all fevers, whether black, grey, green, or yellow." His staple remedies were "coffee," so-called, "well my gristle," and "ram-cats." Being summoned on Jan. 2, 1809, to attend Ezra Lovett, ill of "a cold," he ordered a fire built, put Lovett's feet on a stove of hot coals, wrapped him in a blanket, and, with a powder given in water, "puked" him—to use the simple language of the day—violently thrice within half an hour, meantime administering copiously the warm "coffee." He then put Lovett to bed, and sweated and "puked" him pretty steadily for three days, the patient growing weaker and weaker, until, poor soul! he could puke no more. Then Thomson asked "how far down the medicine had got," and, Lovett indicating his chest, the quack said that the

medicine "would soon get down and unscrew his navel." On the third day the patient "lost his mind and went into convulsions," which condition lasted until the eighth day, Jan. 10, when he died. The "coffee" proved to be a decoction of marshrosemary and the bark of the bayberry bush; the powder was Indian tobacco or Lobelia inflata. There was no evidence that defendant had killed any one else; on the contrary, there was testimony of benefit in one case from his treatment. The court, therefore, did not put him to his defence, but, ruling that the commonwealth had failed to make out a case even of manslaughter, charged the jury to this effect: Deceased, beyond reasonable doubt, lost his life by defendant's unskilful treatment. But there could be no murder, unless the prisoner was wilfully regardless of his social duty and determined on mischief, of which there was no proof; on the contrary, his intent was to cure. Neither could there be manslaughter; for, although defendant's ignorance was very apparent, nevertheless, if he honestly intended to cure, he could not be guilty of that crime on account of death unexpectedly ensuing from his treatment, unless he was engaged in an unlawful act; and there was no law in Massachusetts forbidding any man, honestly intending to cure, from prescribing for a sick man with the latter's consent. The court cited Lord Hale as authority for the proposition that, "if a physician, whether licensed or not, gives a person a potion, without any intent of doing him any bodily hurt, but with intent to cure or prevent a disease, and, contrary to the expectation of the physician, it kills him, he is not guilty of murder or

manslaughter;" and, accordingly, laid down this law for the case:

"The death of a man, killed by voluntarily following a medical prescription, cannot be adjudged a felony in the party prescribing, unless he, however ignorant of medical science in general, had so much knowledge or probable information of the fatal tendency of the prescription that it may be reasonably presumed by the jury to be the effect of obstinate, wilful rashness, at the least, and not of an honest intention and expectation to cure."

The court further said that if the solicitor-general had proved, as he promised to do in his opening, that Thomson had killed others by his treatment, it would have been left to the jury to say whether on the whole evidence they would sustain the charge of manslaughter; which they might justly have done if they had found that defendant acted from "obstinate rashness and foolhardy presumption, although without intent to do Lovett bodily harm;" for it would not have been lawful for him again to administer a medicine of which he had such fatal experience." Upon this reasoning Thomson was acquitted; and his case having proved, as a precedent, a strong shield for manslaughtering charlatans, by establishing what has been called the humane American rule as contrasted with the strict rule of common law, it is well to state succinctly the reasons why he escaped conviction, viz: (1) because there was no statute in Massachusetts prohibiting medical practice by the ignorant and unlicensed; (2) because there was no proof that Thomson (a) knew his treatment to be dangerous or (b) had any other intent than to cure in good faith.

In 1842 the question arose in New York, upon an application for a bill of discovery, in Marsh v. Davison (9 Paige 580), whether it was slanderous to have said of complainant that he was guilty of malpractice as a cancer doctor and had killed a woman in Schoharie. Davison not being licensed to practice, the court held that—inasmuch as he might be guilty of manslaughter, for that reason, if the patient died under his treatment—the words might be slanderous.

It thus appears that—even accepting the benign rule of Thomson's case, which, as we shall see presently, was ill stated—wherever a statute makes the unlicensed practice of medicine a misdemeanor, if death result from the treatment of a non-licentiate he is guilty of manslaughter at least, no matter how honest his intent. This is the rule of common law and of the New York penal code, which defines as manslaughter the killing of one human being by the act, procurement, or omission of another, without design to effect death, by a person engaged in committing or attempting to commit a misdemeanor affecting the person or property, either of the person killed or of another.

In 1844 the case of Rice v. The State (8 Mo. 561) was decided in Missouri. Rice, a Thomsonian, undertook by the same methods used on Lovett to cure Mrs. Keithley of sciatica. She had not been so well for years as when he began to treat her, and was within six weeks of giving birth to her fourth child. Under his system she fell into premature labor and died within about ten days. He was convicted of manslaughter; but the appellate court, adopting the rule

in Thomson's case, the facts being substantially the same, reversed the judgment.

In 1881 another case arose, in Iowa, State v. Schulz (55 Ia. 628). Schulz treated a sick woman by acupuncture and an irritating oil, according to the system of Herr Baunscheidt, who, having been much benefited by the bitings of small insects, sought to give the world, for a consideration, a simulacrum of his experience. Defendant admitted that he did not know the composition of the oil, that being Baunscheidt's secret. The patient died. Schulz claimed that if he had not been interfered with he could have helped her, and produced twenty-three witnesses to testify that Baunscheidtismus, as administered by him, had benefited them. Schulz was convicted, but the appellate court reversed the judgment, following the cases of Thomson and Rice, and expressed this conclusion: "The interests of society will be subserved by holding a physician civilly liable in damages for the consequences of his ignorance, without imposing upon him criminal liabilities when he acts with good motives and honest intentions." The adoption of this theory by the New York statute of 1844 enabled quackery, in the words of Beardesley, J., to "boast its triumphant and complete establishment by law" (Bailey v. Mogg, 4 Den. 60). And the people of Iowa, instead of adhering to it, have passed, since the Schulz case, a law forbidding medical practice to the unlicensed.

Notwithstanding these acceptances of the rule in Thomson's case by other jurisdictions as sound law, the Supreme Court of Massachusetts, wherein it

originated, has since held, in Commonwealth v. Pierce (138 Mass. 165, A. D. 1884), that the accuracy of its report was doubtful and its law open to criticism. The facts in Pierce's case were these: Defendant held himself out as a physician. There was no more law in Massachusetts to prevent him from so doing in 1884 than there had been to prevent Thomson's like pretension in 1809. Being called to a sick woman, Mary Bemis, he caused her, she consenting, to be kept for some three days swathed in flannel underclothing, saturated with kerosene. Under this treatment she died in great misery. There was evidence in the case that in some instances similar treatment by defendant had resulted favorably, but also that in one it had burned and blistered the flesh, as in the case of deceased. Defendant's counsel at trial asked the court to charge, following the rule in Thomson's case, that defendant could not be convicted unless it were proven beyond reasonable doubt that death resulted from his treatment and that he had such knowledge or probable information of the fatal tendency of his prescription as to justify the jury in presuming that death was the effect of his obstinate or wilful recklessness, and not of an honest intent and expectation to cure. This request was refused, defendant was convicted, and his conviction affirmed by the appellate court, who, by Holmes, J., said that the language of Thomson's case relied upon by defendant—viz, that "to constitute manslaughter the killing must have been a consequence of some unlawful act. Now there is no law which prohibits any man from prescribing for a sick person, with his consent, if he honestly intends to cure

him by his prescription"—was ambiguous and wrong, if it meant that the killing must be the consequence of an act which is unlawful for independent reasons apart from its likelihood to kill." "Such," continued the court, "may once have been the law; but for a long time it has been just as fully, and latterly, we may add, much more willingly, recognized that a man may commit murder or manslaughter by doing otherwise lawful acts recklessly, as that he may by doing acts unlawful for independent reasons, from which death accidentally ensues." Thomson's case, it was said, did not intend to lay down new law, but cited and meant to follow Lord Hale, whom it had taken too literally, since his lordship admitted that other persons might make themselves liable by reckless conduct (I. P. C. 472); and why not a physician as well?

As to what constitutes criminal recklessness in such cases, the court said substantially that the standard is not gauged by the actor's belief or idea of danger, but by common experience. If the thing done "is generally supposed to be universally harmless and only a specialist would foresee that in a given case it would do damage, a person who did not foresee it and who had no warning would not be held liable for the harm. . . . The use of the thing must be dangerous according to common experience, at least to the extent that there is a manifest and appreciable chance of harm from what is done, in view either of the actor's knowledge or of his conscious ignorance. . . . Common experience is necessary to the man of ordinary prudence, and a man who assumes to act as the defendant did must

have it at his peril. . . . The defendant knew he was using kerosene. The jury have found that it was applied as the result of foolhardy presumption or gross negligence, and that is enough. . . . Indeed, if the defendant had known the fatal tendency of the prescription, he would have been perillously near the line of murder." The rule laid down in this carefully reasoned case must commend itself to prudent men; for it really amounts only to this—that if one unversed and unskilled in medical science and practice undertakes, nevertheless, the cure of a patient, and in so doing uses remedies or adopts a treatment—whether positive or negative ought to make no difference—from which there is a manifest and appreciable chance of harm according to common experience, he shall be held liable for his recklessness and shall not be excused by the innocence of his intention. And certainly when part of the treatment adopted is the exclusion of proper treatment, this is just as harmful as if positively injurious methods were adopted. It is just as much homicide to cause death by starvation by keeping food from the victim as to use an active poison.

How does this principle apply to "Christian Science," "faith cure," or any eccentric treatment of the sick—not excluding voudoo or the "scandal cure"[1]—that by operating strongly on the mind may restore the lost equilibrium? Is the pursuit of any of these methods "practice of medicine"?

[1] I knew once of a *malade imaginaire* who for years had drifted feebly from bed to lounge and back again. Physicians were in vain. One day a friend called and said that the newspapers had gotten hold of a bit of history that would interest the nation on the following Sunday. The patient leaped from the lounge, took a cab to the steamer office, and by Sunday was on the ocean. This is the "scandal cure."

While the ordinary quack, who, as has been said, pretends only to extraordinary human skill or knowledge, is, therefore, generally held to be a practitioner of medicine, Christian Scientists, who go further and pretend to procure for lucre divine intervention by their prayers, contend that in thus offering to heal the sick, although for hire, they are not practicing medicine, but observing religious rites, and are therefore protected in their practices by constitutional safeguards. We are thus brought to consider what is the "practice of medicine." The answer to this query must depend in most instances upon the words of the statute and the peculiar circumstances of the case. In the New York case of Smith v. Lane (24 Hun, 632, A. D. 1881), plaintiff, apparently a masseur, sued for agreed fees which defendant refused to pay on the ground that plaintiff, not being licensed to practice medicine, could not recover compensation for his treatment, which, as the opinion of the court recites, "consisted entirely of manipulation with the hand. It was performed by rubbing, kneading, and pressure." The court said:

"The practice of medicine is a pursuit very generally known and understood, and so also is that of surgery. The former includes the application and use of medicines and drugs for the purpose of curing, mitigating or alleviating bodily diseases; while the functions of the latter are limited to manual operations, usually performed by surgical instruments or appliances. . . . To allow incompetent or unqualified persons to administer or apply medical agents, or to perform surgical operations, would be highly dangerous to the health as well as the lives of the persons who might

be operated upon, and there is reason to believe that lasting and serious injuries as well as the loss of life have been produced by the improper use of medical agents and surgical instruments or appliances. It was the purpose and object of the Legislature by this act to prevent a continuance of deleterious practices of this nature, and to confine the uses of medicine and the operations of surgery to a class of persons who, upon examination, should be found competent and qualified to follow these professional pursuits. *No such danger could possibly arise from the treatment to which the plaintiff's occupation was confined. While it might be no benefit, it could hardly be possible that it could result in harm or injury.*

"And for that reason no necessity existed for interfering with this pursuit by any action on the part of the Legislature. It may be that credulous persons would be deceived into the employment of the plaintiff, and in that manner subjected to imposition. But it was no part of the purposes of this act to prevent persons from being made the subjects of mere imposition."

Either the italicized words are superfluous or they contain an implication that if the treatment, in the court's opinion, had been capable of causing injury like improper medical treatment, the judges would have classified it in the same category.

In Eastman v. State (10 N. E. 97), an Indiana case, the court said, on the other hand: "It is the purpose of the statute to prevent persons who do not possess the necessary qualifications to practice medicine or surgery from inflicting injury upon the citizens by undertaking to treat diseases, wounds and injuries." And again: "The State has an interest in the life and health of all its citizens, and the law under examina-

tion was framed, not to bestow favors upon a particular profession, but to discharge one of the highest duties of the State—that of protecting its citizens from injury and harm." In People v. Phippin (70 Mich. 6), the defendant was held to have practiced medicine, on proof that he held himself out as "Dr. W. W. Phippin, magnetic healer," had attempted to cure the sick, and in the case of a child's death had certified the cause to be "canker, sore mouth. Duration of disease: June 3 to July 22, 1887." In Bibber v. Simpson (59 Maine 181), a clairvoyant who gave remedies was said to be practicing medicine. So also in Nelson v. Harrington (72 Wis. 591). And in New York, De Leon, who prescribed for a child, drawing its horoscope and giving some rhubarb, was convicted of illegal practice of medicine. The administration of electricity has also been held to constitute medical practice—Davison v. Bohlman (37 Mo. App. 576).

The Ohio statute provides that "Any person shall be regarded as practicing medicine or surgery, within the meaning of this act, who shall append the letters M. D. or M. B. to his name, or for a fee prescribe, direct or recommend for the use of any person any drug or medicine or other agency for the treatment, cure or relief of any wound, fracture, or bodily injury, infirmity or disease." That seems very broad; but in case of Eastman v. State (6 Ohio Dec. 296), it was held, in January, 1897, that a "graduate of the school of osteopathy of Kirkville, Mo.," was not practicing medicine by kneading and manipulations, using only his hands and no medicines. The court cited Smith v. Lane, and held that the words, "any other agency,"

were too vague and were limited by the particular words, "drug or medicine."[1]

The New York statute does not define medical practice. Such a definition was framed in the draft of the act of 1887, but stricken out because a certain Senator, who died shortly afterward, declared that it would include an eccentric healer who had saved him from the grave. The definition was yielded to save the bill.

The Nebraska Medical Act defines as a practitioner any one "who shall operate on, or profess to heal, or prescribe for, or otherwise treat any physical or mental ailment of another."

Under this statute arose, in 1894, the case of State v. Buswell (40 Neb. 158). The defendant, charged with unlawful practice of medicine, claimed to be a Christian Scientist, graduated from the Metaphysical College of Mrs. Mary B. G. Eddy, of Boston. Defendant offered testimony to cures wrought by him in cases of rheumatism, rattlesnake bite, pneumonia and scarlet fever—the last in the case of a child, four years old. He testified that in eighteen months he had treated about one hundred persons, of whom only two had died. The accuracy of his diagnosis was not in issue. He testified that the text-books of the Christian Science Church are the Bible and Mrs. Eddy's work, "Science and Health." He denied that in a medical sense he treated physical or mental ailments, saying: "I understand with God's laws, and not mortal man's."

[1] As the book goes to press it is reported that the Ohio Supreme Court has approved this ruling. (Alb. Law Journal, Nov. 18, 1899, p. 317.) The Illinois Supreme Courts held otherwise, (Eastman v. People, 71 Ill. App. 236), but since this article was written the law of that state has been amended to give immunity to Christian senators.

Questioned as to the privilege of patients or parents to call in medical aid, he said: "We believe that every one has a right to express their wish, and it is always understood that if they prefer some other treatment, or some other mode, or some one else to aid them, it is their privilege. We always do that. It is taught in our text-books. We never give any medicine; that is entirely contrary to the teaching of Christian Science." And this counsel said: "The defendant, and those of the same faith with him, believe as a matter of conscience that the giving of medicine is a sin; that it is placing faith in the power of material things, which belongs alone to Omnipotence. To the Christian Scientist, it is as much a violation of the laws of God to take drugs for the alleviation of suffering or the cure of disease, as for a Methodist clergyman to take the name of his God in vain to relieve his overwrought feelings."

Being asked if he took pay from his patients, he said: "As a rule I do not. We tell them we leave the question to them and God. . . . Jesus says the laborer is worthy of his meat, and we expect that those whom we spend our lives for to remunerate us for it. If they are not willing to part with the sacrifice themselves, it is not expected that those should reap the benefit."[1] Considering that defendant described his treatment as one of prayer, this intimation that the answer to prayer would be contingent on the payment of the Scientist's fee apparently seemed rather blasphemous to the court, who very aptly cited

[1] Cf. Mrs. Eddy's express teaching that patients who pay a good fee, p. 56.

two cases from one of the science's text-books, the Bible—the former, that of Simon the sorcerer (reported in Acts viii. 18–23), to whom Peter said, "Thy money perish with thee, because thou hast thought that the gift of God may be purchased with money;" the second, that of Gehazi (II. Kings v. 20–27), servant of Elisha, who, finding that his master had gratuitously cured of leprosy Naaman, the rich Syrian, thus establishing a precedent for dispensary abuses, remarked, "as the Lord liveth, I will run after him, and take somewhat of him," and in the end took not only a fee but the disease. Upon these precedents the Nebraska court ruled thus:

"The exercise of the art of healing for compensation, whether exacted as a fee or expected as a gratuity, cannot be classed as an act of worship. Neither is it the performance of a religious duty, as was claimed in the District Court." They further said: "The object of the statute is to protect the afflicted from the pretensions of the ignorant and avaricious, and its provisions are not limited to those who attempt to follow beaten paths and established usages." This, it will be noticed, is very different from the view of the New York law taken in the New York case of Smith v. Lane and the Ohio case of Eastman v. State (supra), as well as from the latest case of the kind, State v. Mylod (40 At. 753), decided in Rhode Island last July upon these facts: Defendant undertook to cure one Hale of malaria and one Vaughan of grip, by apparently engaging in silent prayer and giving them pamphlets on Christian Science. He received a fee of one dollar, but gave no medicines, made no

examination or diagnosis. He testified that he did not attempt to cure disease, had no knowledge of medicine or surgery, and that his only method was "prayer and effort to encourage hopefulness for all who come to him in public or private, and whatever diseases they imagine they have." The court held, citing Smith v. Lane, that in the absence of diagnosis, prescription of remedies, or surgical methods there was no medical practice. They suggested that if Christian Science is practice of medicine, then as a school it is entitled to recognition by the State Board, and that it would be absurd to hold, under the Rhode Island statute which forbids discrimination against medical schools, that requirements could be prescribed which members of a particular school could not comply with, since that would be not to discriminate only, but to prohibit.[1] And the court distinguished the cases of clairvoyant physicians upon the ground that therein the defendants had prescribed medicine and professed to cure diseases. There seems to be fallacy in the implication by the court that any educational requirements as a condition of medical license are prohibitory upon any persons except those who are unable to acquire an education; and it is quite proper to exclude such persons from the ranks of physicians.

The question is full of difficulty. Every one admits the power of mental impulses in nervous diseases; admits nature's healing force that so often cures without any attendance at all; and admits that it would be wrong to forbid all recourse to any aid. But this much being conceded, are we to admit also that any

[1] See the paper "Christian Science before the Law." Page 91.

person should be entitled to take charge of the sick merely because he pretends to act under religious beliefs and to abstain from using those remedies and methods arrived at by study and investigation? Are we to punish the physician who fails to report yellow and scarlet fevers, diphtheria, and other contagious disorders, and allow a person who boasts his ignorance of medical and sanitary science to treat and conceal such cases? The Christian Scientist, in his madness or worse, says that there is no disease but only fear or loss of relation to God, which he in his blasphemy undertakes to restore, providing he is paid for his services. What, then, would his death certificate be? Would it be that Jones was permanently scared? What would his report of a contagious disease be? That Brown has a panic, which is likely to spread?[1]

In the case of Reynolds v. United States (98 U. S. 145, A. D. 1878), the Supreme Court of the nation applied common sense to the proposition, that the name of religion may be used to cloak either lust or imposture. Defendant, a member of the so-called Church of Jesus Christ of Latter-day Saints, being indicted for bigamy, pleaded in defence that the penalty imposed by his church upon its male members who failed to practice polygamy "when circumstances would admit" was "damnation in the life to come." No such dreadful penalty hangs over a Christian Scientist who abstains from his lucrative practices. The Supreme Court said in Reynolds' case: "Laws are made for

[1] As we go to press an entire church of Christian Scientists in Georgia has been fined for disobedience of the vaccination law, from which action appeal has been taken.

the government of actions, and while they cannot interfere with mere religious belief and opinions they may with practices." Can it be seriously contended, asked the court, that a civilized nation may not lawfully suppress human sacrifices and the Indian custom of suttee, because their votaries claim religious sanction therefor; or polygamy for the same reason? To suffer such things, it was answered, "would be to make the professed doctrine of religious belief superior to the law of the land and in effect to permit every citizen to become a law unto himself." Government could exist only in name under such circumstances. These wise words of the court apply even to honest believers, whom we may respect, or, at least, sympathize with, even in their delusions. But if the defence of religion were allowed to the extent that the eccentrics claim, the deadly sin of lying would become even more prevalent than it is, and the dangerous classes would go over in a body to soi-disant religion.

There was an English case in 1868, Reg. v. Wagstaffe (10 Cox's Cr. Cas. 530), wherein parents were charged with manslaughter of a child because, pursuant to their religion as members of the "Peculiar People," they neglected to provide medical attendance for it, in a case of acute inflammation of the lungs; instead they anointed and prayed over it. The court charged that if they had let the child starve for want of food, the case would have been different; for every one recognizes the need of food. But it was not the same when the question was one of medical attendance, for as to that opinions differed, and he read to the jury from the general Epistle of

St. James (v. 14, 15) those words upon which the Roman Church rests the doctrine of extreme unction, and the Mormons and "Peculiar People" rest their doctrine of healing the sick by anointing and prayer only; words which the learned and sensible commentator, Adam Clark, forcibly argues to be an exhortation by the apostle to use the ordinary Eastern remedy, oil, as well as prayer, in treating the sick. The jury acquitted. Recently in a like case, Reg. v. Senior, they disagreed.[1]

Beyond doubt there are very honest, intelligent, cultivated persons who believe in the efficacy of Christian Science and faith cure. Among some twenty cases of death under such treatment, including cases of contagious diseases, the writer has noted the names of such persons. It is equally true that some "intelligent persons" find no "fad" too extraordinary for adoption. The writer knew of a most shrewd and cultivated woman who consulted in Sing Sing prison as to investment in stocks an "astrologer" convicted not only of illegal medical practice, but of abhorrent crime. It is said that where voudooism prevails, cultivated people consult its priestesses, after the fashion of Nicodemus. And when St. John Long, prince of quacks, was convicted of manslaughter at the Old

[1] This case seems to have turned upon the Act for prevention of cruelty to children [(1894) 57 and 58 Victoria] which makes it misdemeanor for one in charge of a child under sixteen years of age willfully to neglect it so as to cause death. In imposing sentence Mr. Justice Wills said that he did not think the punishment would have any effect upon the prisoner or his co-believers, and certainly it would not with regard to the prisoner, because it was the second child in respect of whose death he had been convicted.

See *Law Times* and *Law Journal* of Dec. 17, 1898, also *Law Journal*, Dec. 14, 1898; and *Medical Record*, Jan. 21, 1899.

Bailey (4 Car. and P. 398) among the twenty-nine patients who testified to the excellence of his treatment were divers "ladies of quality," headed by the Marchioness of Ormond, than whom, save royalty, only a duchess could be better able to form a sound opinion in such case.

But nothing is more false than to say that medical laws forbid the practice of Christian Science, faith cure, voudoo, vitapathy, or any other "pathy" or cult. Those laws provide only, at most, that no person shall practice medicine who has not pursued a course in medical study. There is nothing in them to prevent any licentiate from practicing as he pleases. There is nothing to prevent a masseur without license from washing and rubbing a man, if he confines himself to that. But there is no reason why unqualified persons should be allowed to pretend to cure disease, by their pretences deprive the sick of the benefits of science, and yet escape the just consequences of their imposture. The whole case of these people who desire to earn a livelihood by treating the sick without any adequate preparation therefor through study and investigation was summed up in the grotesque falsehood, circulated by way of petition to the New York Legislature of 1885 for the repeal of the medical law, which said:

"The law deprives from practicing in this State persons who are gifted with the power of healing by the laying of hands, through the presence and imparting of vital magnetic force, and otherwise. Some of these powers are natural to the practitioner and cannot be imparted by the course of study required by

medical colleges." Could anything be more absurd? The natural power to heal disease impaired by the acquisition of knowledge concerning disease! And yet there were those prepared to believe even that, so true is it to-day, as of old, that the wonderful is the unknown and the credible that which is impossible of belief.

It may be a question of policy whether Christian Scientists should be prosecuted; whether cheap martyrdom might not strengthen them. But there seems no good reason, as matter of law, why they should not be punished for the evil they actually do, prohibited, if the policy seem wise, from treating the sick without adequate preparation by study of medical science, and convicted of manslaughter if death results from interference.

IV

CHRISTIAN SCIENCE BEFORE THE LAW[1]

ABOUT a hundred years ago at the close of the eighteenth century, when as now men were proud and boastful of their enlightened times, when from misrule and free thought, the Age of Reason and the red harvest of Dr. Guillotin were about to come into being, a man passed through Europe, captivating the fancy of the great Catherine and the small Louis, the reason of courtiers, the adoration of the mob. Reading of Cagliostro, the mountebank, bedizened like a stage wizard, wonderfully curing the sick, revealing the past, foretelling the future and protected by royal power from the prosecutions that the faculty and men learned in the science of the day were eager to direct against him, we are disposed from the height of our greater attainments to smile at what we consider the gullibility of the last *fin de siècle*. But charlatan, impostor and robber as he was, the vogue of Cagliostro, or Balsamo, is understandable. Beside his natural shrewdness he had, at least, the education that comes to the observant from travel and association with the intelligent, and seems to have possessed as well, a share of the medical learning of the time. Not only were his cures gratuitous save when the rich rewarded him

[1] Read by request of the Medical Society of this County of Westchester, New York, at its annual meeting September 19th, 1899.

richly, but he distributed largesse among the crowd with lavish hand. Presumptuous as his assumption of superhuman knowledge and skill was, it was still only the claim of the astrologer, the pretended adept in Eastern lore, the master of Masonic mysteries. He did not assume to be in the secret councils of the most High, to supplement the work of Christ or to found a religious cult. At the end of our wonderful century of material progress that has covered the world with iron roads for the steam monster and already harnessed his swifter successor, the lightning; that has enabled us to speak in a moment with the antipodes and in medicine and surgery has wrought wonders undreamed of in Cagliostro's day, lengthening the average span of life, dispelling pain from the chamber where the knife works calmly, in vital regions, undisturbed by the patient's agony, finding with microscopic eye the causes of sickness, banishing, with antiseptic magic, putrifying germs that so lately defeated the surgeon's skill, and checking once dreaded plagues by wise sanitation;—at the end of this century of ours, surpassing all others in the progress of medical science and art, we have a more puzzling phenomenon. A sickly New England woman, twice widowed, once divorced and so without the vestal sanctity usually claimed by those of her sex who aspire to lead religious thought, untravelled, unlearned, and uncultivated, even in the use of the mother tongue, has been able to impose upon many persons at home and abroad, not only a flatulent, incoherent theory of religion and metaphysics, which, as religion and metaphysics, would concern us little, but also a system of

treating, or rather neglecting, the sick, that, founded upon bold denial of obvious facts, and of conclusions, harvested by the wise and learned from ages of observation, fattens the greedy coffers of herself and her disciples, who follow it as a business, while leading down to dusty death many credulous adults and defenceless children. What is especially hard to understand is that among Mrs. Eddy's honest followers are persons of literary cultivation, who, we should suppose, might guage at once her ignorance and pretentiousness by the ungrammatical ill-rhymed doggerel which she puts forth as poetry; men of the law who, presumably, should be able to detect the contradiction and lack of logical coherence in her soi-disant system; pious and refined souls, whom we would expect to find disgusted with the blasphemy and vulgarity of much that she has written. Pilgrimages are made to her Concord home. Churches are built in which her book of ineffable nonsense is solemnly read and her jargon, interpolated into the Lord's prayer, is recited. Men of judicial position have introduced her apostles to large audiences, and legislators seriously inclined to their tales of wonder. But although her followers are many, being estimated by her disciples between the rather wide limits of 60,000 and 600,000, it is comforting to reflect that those not under her spell are numbered by the millions. And although any delusion that controls the minds and actions of a considerable part of the community to its possible detriment is a proper subject for careful examination, we should not fall into the error of giving factitious importance to what is intrinsically ridiculous, by over-

serious treatment of it. Examples of this mistaken course are not far to seek. It is probably true that if the ultra metaphysical theories of Hahneman, which Mrs. Eddy accepted before launching her own nonsense, had been consistently laughed at, homeopathy as a system would not now exist. How many intelligent homeopathists of our day believe in the efficacy of the thirtieth,—not to mention the 200th—potency of even the powerful drugs, leaving out of consideration the inert substances that Hahnemanites have proposed as curatives, dilutions expressed in figures that the human mind is incapable of grasping? Who now believes that the power of these infinite dilutions can be increased or diminished by the number and direction of the shakes given to the vial containing them? In thus suggesting that strict Hahnemanism is a delusion of the past, I but echo gentlemen of the homeopathic school for whose ability and skill I have great respect. Turn to the files of New York City journals[1] when some years ago the homeopathic profession in that city was agitated over the ever vital question of patronage, and you will find one of its leaders, if not the leader, reported as saying, that since Dr. Bayard's death there had not been one practitioner of true Hahnemanism in that great city; while his opponent, at the head of the professedly strict sect when taunted with the use in his practice of morphine, antipyrine, quinine and like drugs in large doses, retorted that he used them only as palliatives, not as curatives, as forerunners of the homeo-

[1] See New York *Times*, *Sun*, *World*, Dec. 12; Dec. 13, 20, 1889; Jan. 10, 14; Feb. 23; *Herald*, Feb. 24, 1890, and about those dates.

pathic remedies by which alone he effected his cures. Again when in 1887 it was my duty to urge before the New York Legislature the medical act of that year, the passage of which it is but just to say was largely aided by the hearty coöperation of the Homeopathic Society, one gentleman of that body whose friendship and confidence it was my pleasure and privilege to gain, said to me, if you people,—meaning the regular school I represented,—had good sense, you could destroy us. If you would only establish chairs in your colleges to teach what homeopathy is, or even do what was lately done at Harvard, let students formulate questions to be answered by a homeopath, there would be no place for our colleges; but until you admit that we have done something for medicine, and so long as you denounce us, we will oppose you.

These things need to be said because they bear upon the policy of legislation; but this is neither the time nor the place to discuss that thesis from its strictly medical standpoint; nor am I the person to espouse either side of such a discussion; and certainly neither you nor I are here to deal intemperately or flippantly with any honest belief or to belittle what good may lie in any theory or system, even Christian science,—however nonsensical some of its tenets may seem to us,—nor yet to be so foolish or discourteous as to deny the general intelligence and mental vigor of any one merely because he may accept some proposition that to us seems bizarre and fantastic. Had I the honor and privilege of being a physician—as fortunately for my possible patients, perhaps, I have not,—it seems to

me that, so far as time and occasion served, I should examine carefully every new thing that promised well for poor humanity and be patient and long-suffering with even the erratic thinker, if satisfied that he was honestly striving to benefit his fellow-man, and not merely to fill his purse by obtruding recklessly, and with conscious ignorance, where only the learned should be allowed. That I apprehend to be the standpoint of the true physician, who above other men perhaps, should prove all things, and hold fast that which is true.

Now some of you may be thinking what has all this to do with Christian science before the law? The answer is simple: in discussing actual law, or proposed legislation it must be borne in mind that the aims of the law are above all things practical. It has no function to operate upon folly as folly; and, proverbially, it does not concern itself with trifles. It is necessarily tolerant of widely divergent ideas and of much that to many seems wrong. Religious beliefs, in so far as they are merely beliefs not reduced to criminal or dangerous practices, are not proper objects of its control,—at least not in our country. We are free, with a constitutional right of freedom, to work out our own salvation without legislative aid. Overlegislation to which, of late, there is an unfortunate tendency, is itself, in our theory of government, a distinct evil, a disease of the body politic. Legislative regulation of the minor actions of men, their beliefs, their merely ethical conduct is intolerable. To legislate for the benefit of any scientific theory to the detriment of another would be, save perhaps in very

exceptional circumstances, a great wrong, unwise and most harmful to the cause of true science and the advancement of human knowledge. A statute for example ordaining that no person should worship except according to the Roman Catholic or Presbyterian scheme, or treat the sick except *secumdum artem*, whether by regular homeopathic or any other rule, would be an abomination, unwise and, God be thanked, unconstitutional.

Because no well informed person disputes these truisms, charlatanism, religious and medical, seeks to make of them its refuge and strong bulwark. The Mormon for his polygamy, the Oneida Communist for his promiscuity, the Christian Scientist for his slaughter of credulous adults and helpless babes, alike claims protection from the law upon a theory that the free right to worship according to conscience implies the right to commit any act under the pretext of religion which an evil or erratic mind may inspire. The osteopath, the venopath, the vitapath, the Kickapoo Indians and all the rabble of ignorant quacks, in like fashion, seek exemption of their impostures from legal regulation in the contention, that because the last word has not been uttered in medical science, it is therefore class legislation to enact any law prohibiting the ignorant to assume, as a business, the entire charge and cure, of the sick. At first blush this superficial argument is plausible and influences many. When Æsop's ass masqueraded under the lion's skin, all the other animals, intelligent man included, stood for awhile in awe of him; but when his tuneful note vibrated on the air, they tore off his disguise, and dis-

closed him once more an obvious ass. In the long run the disguise must fall from pseudo—religious and medical imposture. Christian Science will not be an exception to the rule. Its mask of religion is very thin but the animal below it is rather the cunning fox than the honest useful ass. In tearing off its disguise the law may play a part; but the unmasking will best be done by turning on the light and showing what an amusing misfit the garb of religion is, and what a greedy unscrupulous fox it covers.

The questions then present themselves whether Christian Science is such a phase of genuine religious belief, or so trifling in its evil results that its daily practices should be unrestrained by law; and if not, whether the present condition of the law is adequate to deal with those practices or whether further legislation is necessary.

Others as well as myself, have dealt so fully elsewhere with this delusion that these questions may be here answered in general terms without citation of specific authority. We may consider general principles rather than particular cases.

That many intelligent persons accept Mrs. Eddy's lucubrations as a religious and therapeutic system, has been already admitted to be a puzzling fact, its most probable explanation being that such persons accept as true, without investigation, all the marvellous tales of the Eddyites or generalize from particular cases known to themselves without reading the farrago of nonsense constituting the so-called system, and without time or inclination, even if they have ability, to investigate in true scientific spirit the causes of what

arouses their astonishment. Having examined with care her fundamental books, I am at a loss to know what she has contributed to religious thought, metaphysical speculation or therapeutical knowledge, or yet what she says that is new. Even her doctrine that cleanliness and hygienic life are detrimental, has long been acted upon by the dirty fakirs of the Orient, and the great unwashed of Christendom. Her *magnum-opus* "Science and Health with Key to the Scriptures," that costly and most lucrative text-book of innumerable editions, pretends, as its name indicates, to be founded upon and to interpret the Bible, but not to be a new evangel. Mrs. Eddy's modest pretence is that while the Bible is God's word, its, and therefore his, meaning, utterly escaped the apprehension both of the simple, and the learned, during the long ages, only to be revealed to her in the year of grace, 1866. Presumably it is the version of King James that she interprets, for she knows no Hebrew,[1] no Greek, no Latin and precious little English. She is not in the babe or suckling class, from which, we are told, wisdom sometimes emanates to confound the wise, but is said to be a mature dame of about eighty, having nearly completed her first half century when it pleased God, in his mysterious providence, to vouchsafe to her that key to his meaning which he had theretofore denied to saints and scholars. As nearly as one can spell it out, this key, which, for purposes of lucre, Mrs. Eddy has copyrighted, is the stale theory, as old as philosophic speculation, familiar to Sophomores but new to her, that everything is mind. Her corollary

[1] Her brother Albert however studied Hebrew in vacations. See p. 42.

is that health is right thought, and disease, sickness and every other evil only wrong thought. Upon this theme, she rings her changes; and it is safe to say, that had she confined herself to this peculiar exposition of Scripture, her congregations would have been small, and she would have remained an obscure eccentric New England woman, confessedly feeble in health and poor in pocket. Her trifling interpretation of Scripture would no more have been suggested as matter for legal control, than the wit and satire of Colonel Ingersoll or the broad learning of Dr. Briggs. Her religious views would concern us no more than those of the forgotten Matthias, John of Leyden, or Noyes, and far less than the still somewhat prevalent doctrines of Joseph Smith and Brigham Young.

But it seems that feeble health led the lady to dabble in medical theories, to accept at one time the views of Hahneman and later the doctrine of animal magnetism as expounded by one P. P. Quimby, whose patient she was in his life, whose memory after death she apparently execrates with all the hate of a jealous, envious, covetous woman. It seems too, that in a small way, she practiced homeopathy until becoming convinced that there was no medicinal virtue in its high potencies, and finding that their administration was followed, nevertheless, by cures, she arrived at her great discovery that health is Mind in capitals, and disease, mortal mind in small letters; for not the least amusing part of her book is its use of different fonts of type to differentiate Truth from error, Health, or Ease, from Dis-ease; a play of words that appeals strongly to her. Here, of course, is the grain

of truth in her system. Perceiving that suggestion plays an important part in the cure of certain diseases, being probably ignorant or possibly advised that this was no new thing, and, generalizing from the particular as the rash, the ignorant and the impostor all do, she concluded and announced that because striking cures often follow an access of faith or other strong mental excitation, therefore all diseases and bodily injuries are merely false beliefs to be treated by mental processes, and that all drugs, material remedies and even hygienic measures are not only ineffectual, but harmful. Her system of therapeutics, then, amounts to this: disease, sickness, bodily injury of any kind do not exist except as mistaken beliefs to be removed by argument with them, which argument is to be addressed to the disease silently, lest, haply, the patient overhearing the discussion be confirmed in his error. Diagnosis, as physicians and ordinary laymen understand the term, does not exist in her scheme. Under this principle it is quite unnecessary for the healer to come in contact with the patient. The one may be in Hong Kong, the other in Terra del Fuego. The effect will be just as great as if they were in conjunction. Now while as a theory, this arrant nonsense is merely comical, a moment's reflection shows that its practice is obviously dangerous in a high degree, not only to the particular victim but to the community at large. That its promulgator is either dishonest in advancing it or doubtful of its full efficacy, seems apparent from her advice to disciples to "leave the adjustment of broken bones and dislocations to the fingers of surgeons," "until the ad-

vancing age admits the efficacy and supremacy of Mind," a precept that suggests her conviction of the truth of what worthy Quarles quaintly said: "Physicians of all men, are most happy; whatever good success soever, they have, the world proclaimeth; and what faults they commit, the earth covereth." Is not this advice of hers the cunning of the fox rather than a delusion of the other animal? Is it not manifestly a warning that while it is comparatively safe for her ignorant followers to treat the sick for rich reward, under the guise of religious aid, in cases of ordinary ailments, yet surgery is to be shunned by them, only because in that department of medicine malpractice is more demonstrable to a lay jury than in physic, where the healing force of nature may be relied upon to give the Christianly scientific practitioner success in many cases, while his failures are more likely to escape detection.

It would seem to be perfectly clear from this summary of her doctrine—which is I believe and certainly hope, entirely fair, and not travesty—travesty indeed, being impossible—that while from the standpoint of religion and philosophy, Mrs. Eddy's so-called science is beneath contempt, a banality with which the law should not concern itself; it is on the other hand from the standpoint of the public health, a serious matter, since it puts in peril not only credulous adults and their innocent children, but in cases of contagious and infectious diseases, great numbers of persons who repudiate its nonsense, thus menacing the whole community. Let us concede, for argument sake, what the Eddyites vehemently declare, that if a man be willing

to subject himself to the treatment of Christian Science for any sickness, even smallpox, he should be allowed to do so; are we also to concede that he should be allowed to subject his infant children afflicted with that malady or scarlet fever, or malignant diphtheria to the same and no other treatment? Is he to be suffered to sacrifice his own offspring and also spread contagion? Common sense affords the answer.

What is dangerous and pestilential in Christian Science is its absolute denial in specific terms that disease or bodily injury exists except as a perverted phase of thought; its denial that any material remedy appliances or hygienic measures are of any use in the treatment of the sick, and its positive assertion that the whole *materia medica* is harmful. A consistent Christian Scientist must logically be opposed to vaccination, to antiseptic methods, to bandages, to cauteries, to prophylactics, to anæsthetics—in short, to every approved method of relieving pain, curing the sick and protecting the public from contagion or infection. Let us concede to the power of suggestion all that is established and far more. Let us admit for the argument's sake, if not in fact, that even cancer may be cured, by convincing the patient that there is no such disease and that he is not afflicted with it; still we are not up with Mrs. Eddy. For that astounding person distinctly says that the healer must not name the disease, but must argue with it mentally; that her methods are as efficacious for infants, in whose minds such suggestion cannot be planted, as for adults; that oceans may roll between healer and patient cutting

off communication and therefore suggestion by any means that human science as yet admits to be possible. Thus she seems to eliminate from her theory the only grain of truth we have found in it and deny the very cause that produces what results follow its application in the restoration of the sick to the normal.

I cannot better illustrate in passing the disingenuousness of the professional healer, the hypersensitiveness of the healed and the difficulties in the way of investigating reported marvellous cures than by two examples in my recent experience. Mr. Carol Norton is one of the Board of Lecturers of the First Church of Christ Scientist, "the mother church" so-called. He delivers with some variations, a copyrighted lecture, offering to give medical proof of the cure of cancer, locomotor ataxia and other obstinate maladies. I wrote some time ago for such proofs and also asked specifically if Mr. Norton himself would venture to substitute Christian Science for medical aid in the case of a fractured skull, a severed artery or confluent smallpox. After some correspondence he produced so-called medical proof, consisting of brief statements of conclusion, signed by Christian Scientists but of little or no evidential value from either a medical or legal standpoint; not differing in kind from the certificates with which nostrum venders have made us familiar. To my questions he replied that he "preferred to shelve them." Having written an account of this effort at investigation to the New York *Sun*,[1] a gentleman wrote in reference to it, asking if I had

[1] See these letters in the appendix, pps. 165–182; also pps. 64, 65, 113.

seriously examined Christian Science and saying, in perfectly good faith, as I believe, that while he was ignorant of its methods, he felt bound to testify to its marvellous results in his own family upon a patient "turned out to die" by a great hospital, and given up by three physicians, whom he named, two being well-known and one eminent. He expressed a desire to put the facts before me. I replied courteously, as I thought, expressing entire readiness to believe in the existence of the disease and its cure, under the treatment of Christian Science, but saying with perfect frankness, inasmuch as my correspondent professed ignorance of that cult's methods, that I should be disposed to explain the cure by suggestion and not by the theories of Mrs. Eddy, which it seemed to me impossible for a sane mind to accept; and I also asked that he would let me know all the facts. This gentleman was, I regret to say, so offended at my unfortunate remark, that it did not seem to me any sane mind could accept those theories of which he professed to be ignorant, that he did not give me the information which he had volunteered. And it appeared that of the physicians he named, the eminent specialist had been consulted only once and then had incurred odium by charging an office fee of $10, while the other more prominent physician told me that he knew of no such person as the patient, although his brother might perhaps have a patient of that name; to my further inquiries I have had no answer.[1]

[1] Since this paper was read I have had accurate information from the attending physicians showing my correspondent to have been absolutely misinformed in the premises, however honest in belief.

We are now at a point where we may consider whether the law, as it is, can deal adequately with the practices of Eddyism or whether further legislation is desirable in the premises.

We have a statute in this state making it a misdemeanor for any one not a licensed physician to practice medicine. There are also requirements as to reporting contagious diseases, deaths, etc., with all of which you are familiar. Under the medical law, the only puzzling question is, in a given case, whether the acts proved constitute practice of medicine. A clever saying I have had occasion to quote before, in this connection is, that it is one thing to renounce the devil and all his works, and a very different and more difficult matter to recognize the devil and his works when you encounter them. No effort has been made, so far as I know to punish in our state's courts the practice of Christian Science as an offence under the Public Health Law, which contains no definition of medical practice as do the statutes of some other states. It is true that the daily press reported recently the conviction of a Christian Scientist in Brooklyn. The defendant in that case, however, was not an Eddyite but some other species of divine or mental healer, and moreover, had administered material remedies, upon which fact a conviction was procured.[1] On the other hand in a civil case, Smith v. Lane, our Supreme Court held, some years ago, that a masseur was not a practitioner of medicine and made the test of such practice to consist in the prescription

[1] This was the case in which the photograph forming the frontispiece was taken. See preface. About the time this paper was read a similar case decided in like manner was reported in Chicago.—People v. Bratsch, Chic. Law Journal, Sept. 15, 1899, Vol. IV., N. O. 397.

or administration of drugs or remedies or the use of instruments. This is manifestly an imperfect definition; and it would have been better perhaps, had the court confined itself to deciding that the facts proven in the particular case, did not constitute such practice, without essaying to make a general definition, which is a more difficult task than on its face it appears to be. In the matter of business fraud courts have been wiser and contented themselves in each case with deciding whether the proven facts constitute a fraud, avoiding a general definition of fraud itself; with full knowledge that to define that protean malfeasance would only make easy the way of the transgressor. So, then, although the point has not been specifically decided in a criminal action under the medical law it is probable that in such a prosecution our courts would hold that the attempt to treat the sick by mental or pseudo-religious methods alone does not constitute the practice of medicine. In Rhode Island and Ohio, the case of Smith v. Lane has been followed. In Nebraska and Illinois, it has been repudiated as inconsistent with the statutes of those states, but under the new medical law of Illinois, it would seem that Christian Scientists have been influential enough to secure exemption for their business.

We may assert then, that Eddyism is not punishable under the medical law of this state unless the definition of Smith v. Lane shall be repudiated.

So far as the reporting of contagious diseases, inflamed eyes of babies, births and deaths by medical attendants in charge, the law is as you know substantially as follows:

There are first the general laws authorizing the creation of local boards of health with certain powers, among them that of making and enforcing proper ordinances, and providing a penalty for disobedience.

§ 397 of the Penal Code provides that a fine not exceeding $2,000 or imprisonment not exceeding one year or both may be inflicted upon any one violating a provision of the health law not otherwise punished, or violating or refusing or omitting to obey, a lawful order or regulation of such a board.

§ 288 of that code provides for the reporting of inflamed eyes of an infant within the age of two weeks by the medical attendant, midwife or person having the child in charge. It also requires a person having by law the duty of furnishing medical attention to a child, so to do under the penalty of misdemeanor.

§ 1172 of the Greater New York charter authorizes the Board of Health to make ordinances, violation of which shall be a misdemeanor.

§§ 145 to 158 of the New York City Sanitary Code, and I presume of other codes, provide for reports of contagious diseases by physicians, lodging housekeepers, masters of vessels, undertakers and others, and § 5 defines the term Physician to include "dentists and every other person who practices about the cure of the sick or injured, or who has the charge of, or professionally prescribes for any person sick, injured or diseased and any person who pursues the business of or acts as a midwife;" a definition as you see very different from and much wider than that of Smith v.

Lane, and quite broad enough to include Christian Scientists.

We may now consider first what, if any, is the civil liability of Christian Scientists for injuries resulting from their ignorance and lack of skill, to their patients. Second, is a Christian Scientist guilty of manslaughter or murder in case his patient dies, as a result of his neglect to use, or his prevention of, means that demonstrably would have saved life?

The rule of law is well established, that one who with culpable ignorance or recklessness, undertakes a duty requiring for its proper performance, special knowledge, skill or care, is answerable for the ill effects of his malfeasance. In the law of bailments the degree of care required of the bailee has been said to depend in some measure upon the compensation. Thus if A give to B, a warehouse man, valuables for storage and pay therefor, more care is required of A than where B gives the goods to a friend to be cared for gratuitously,—although even in the latter case, the friend would not be absolved from all care. It has been often sought to apply this doctrine in cases of medical malpractice, the argument being made that one who undertakes the cure of the sick without fee should be held to a less degree of skill and care than where compensation is given or promised. But against this view the courts have set their faces; rightly holding to be barbarous the doctrine that a medical man may be careless with the afflicted poor but must be careful with the rich; and although the laws of some states only forbid unlicensed medical practice in cases where fees are taken, still the re-

ceipt of fee is not an essential element of such practice, as a rule, and does not affect the liability for malpractice. It has been said also, that although the rule is, that a physician's duty to his patient implies the possession by the former of at least the average knowledge and skill of his profession,—regard being had to the state of medical science,—and the application by him of that skill and knowledge with at least the ordinary and usual care of his fellow-practitioners, still where one professes to follow a certain school or system of medicine, he is to be held to its standards and not to those of another school; that a homeopath, for instance, is to be judged by the standards of his own system. The ancient judgment of the Cadi, cited by Puffdendorf, is ordinarily given as an illustration of this point. A man having demanded damages of a veterinary for blinding him with an ointment used on the eyes of horses, the Cadi found for defendant saying that if plaintiff had not been an ass, he would not have gone to a horse doctor. This was very much the line of thought taken by the court in Smith v. Lane above alluded to as defining medical practice in this state. It there appeared that the defendant Lane had contracted for the services of Smith, a rubber and manipulator, induced by the latter's pretension that his treatment relieved the ills of life marvellously, and almost robbed death of its terrors. After taking the treatment, Lane refused to pay the agreed price and Smith brought his action to recover it. Our General Term held that the masseur was entitled to his pay, even though his pretences were preposterous, since the patient had received the treat-

ment he bargained for, while the fact that he was fool enough to believe the plaintiff's vain boasting was no defence, and not the court's affair.[1] The law merchant recognizes a seller's right to praise his wares and to utter any opinion of them, no matter how extravagant, provided he does not mislead the purchaser of average intelligence, by false statements or fraudulent concealment of facts as contrasted with conclusions. If he has a broken down old horse for sale, the defects of which are patent to any man of horse sense, he may praise the brute to the skies as a beautiful creature. And, in like manner, the law does not prohibit that self-laudation known in medicine as quacking, which may be unethical, but is not illegal. It is to be noted however, that, in Smith's case, there was no contention that the patient had suffered from the treatment any injury, damages for which he might have offset against the bill; and it might well be that a Christian Scientist, although allowed to collect fees under the doctrine of that case, might still be held liable for injury resulting from his recklessness in undertaking a duty without skill or knowledge to perform it.

It is, however, with the criminal or penal, not the civil side of the law, that we are here concerned: and in this domain of the law, the Cadi's judgment is without authority; for if a veterinary should assume recklessly to prescribe an equine dose of cathartic for a man, as in the merry tale we all have heard, it would not be a defence in a criminal prosecution growing out of the patient's death that the latter had assented

[1] See pages 79 and 80 for a further statement of the Court's opinion.

to the treatment. In cases of manslaughter it is the state, not the individual, that is offended against; and it is not to be presumed, even in the absence of specific legislation, that the state assents to the taking of life by gross recklessness or ignorance. In our own state an attempt at suicide is felony. To aid or abet the attempt is also felony, and to aid, abet, advise or encourage the suicide is manslaughter in the first degree under the penal code, and has been held to be murder. If A says to B, "I will give you $50 to kill me," and B obligingly does so, the latter's felonious act is not the less murder because of A's request or his payment of the fee. And so if A is fool enough to submit to reckless and ignorant practice for the cure of his actual or imagined maladies, his assent should not absolve an ignorant or reckless practitioner from criminal liability for the fatal result of his malpractice. Even if the rule be sound that each practitioner is to be judged by the system he professes, it should be at least established that he follows a system based upon, or at least not contrary to, ordinary observation and experience. He cannot call his whims and vagaries a system. Accordingly in Massachusetts not long ago, when there was no medical law in that state, a quack was held by the Supreme Court, in a carefully reasoned opinion by Mr. Justice Holmes, now its Chief Justice, to have been properly convicted of manslaughter for causing the death of a woman by keeping her swathed in flannels, saturated with kerosene; and that learned court,—repudiating as unsound, or ill-reported, the earlier Massachusetts case, acquitting Thomson, founder of the Botanic or Thomsonian School, a case

extensively followed in other states,—intimated that the kerosene practitioner might have been properly convicted of murder.[1]

In a case occurring in your own county, last spring, the Grand Jury refused to indict, as I understand, because, upon the evidence before it, the accused was not shown to have done more than render the religious offices of the cult to the deceased, the former testifying in her own behalf, that she received no fee, did not assume care of the case, medically, and had even suggested to the deceased, the propriety of calling in medical aid. While tried by the ordinary teaching and customs of the Christian Scientists,—who do assume full charge of such cases, and not only receive fees but teach that the patient gets well quicker if he pays a fat one,—this statement of the accused lacked veri-similitude, yet, if believed, it of course, exculpated her. But, in the hypothetical case put to Mr. Carol Norton, as to which he refused to commit himself, there can be no doubt that a Christian Scientist would be guilty of manslaughter if not murder. I said to that gentleman, if a lad should accidentally sever an artery and surgical aid were accessible, would you presume to set that aid aside, and essay to staunch the gush of arterial blood by your mental processes alone? The question presented a dilemma; to say that he would not do so, implied lack of faith in the doctrine he teaches and practices for a livelihood; to admit that he would do so, would confess willingness to commit felony. Is it any wonder that he preferred "to shelve" the question?

[1] See contents for paper on Manslaughter, pp. 73 to 77.

On this point, then, we may feel assured that the malpractice of a Christian Scientist resulting in death would be a criminal offence under the law, and a verdict by a jury finding one guilty thereof, would be upheld; by malpractice I mean the substitution with gross recklessness or ignorance, or both, of mental processes obviously inefficacious, for medical or surgical processes demonstrably efficacious, resulting in the death of the patient.

It remains to consider the desirability of further legislation in the premises.

Personally, as already indicated, I am not and never have been a zealous advocate of too much legislation. Our statute book has already upon it many laws that might be judiciously obliterated. A statute to be effective should be enforceable, and enforced with moderation, with wisdom, and without any suspicion of oppression, gain, or blackmail, upon the part of those charged with its administration. It is safe to say that the medical laws have been so enforced, otherwise there would be a strong popular movement for their repeal, such as has arisen and been successfully carried out heretofore. There is no use in shutting one's eye to facts. Many of the laws that are gotten through ostensibly for the public welfare, are really for the private good of individuals or organizations, and they are intrinsically selfish rather than public spirited. Medical legislation is in a sense,—a very limited sense,—inderogation of the right of every man to employ his knowledge and talents in winning his bread freely; obviously, therefore, there is a point beyond which it cannot go, and that point is, the limit

of what is necessary to protect the public health and individual citizens against the evil effects of ignorance and unskilfulness in the performance of a duty requiring knowledge and skill of the highest standard. To say that no one should practice Christian Science or any other method of curing the sick, would not be desirable, politic, or just. To require, as has been suggested, that all sick men should call in physicians, is too absurd a proposition for serious consideration. The utmost that can be properly enacted as law is that no one shall be allowed to engage in the business of healing the sick and the injured, except those who have procured licenses by demonstrating that they are possessed of a fair knowledge of those branches of general and special knowledge which the general opinion of mankind agrees are requisite to fit them for the proper discharge of the duty which they seek to assume. All men whose opinions are worthy of consideration, agree that to fit one to deal with human infirmities, a course of study in, and knowledge of, certain branches of science is necessary. One should know something of anatomy, of physiology, of diet, of the action of drugs and poisons, of remedies and antidotes, of the mechanism of labor,—in short, of what is generally known as medical science. By demonstrating such knowledge he procures his license. He is not called upon, and should not be called upon, to follow any cut and dried system, but should be left to the exercise of his judgment, being responsible to his patient, and also to the community, for his abuse of that judgment. He would be a very foolish man who did not vary his treatment in different cases, who did not seek

to widen his knowledge, who would belittle the great force of suggestion, or refuse to save his patient by some method that was not strictly *secundum artem.* A person so licensed might practice Christian Science regularly if he saw fit to do so, but, if I may be pardoned borrowing the language of our sporting friends, the odds are heavy, that he would not do so. This then is the sum of the whole matter. The state has a perfect right to require of persons practicing medicine, essaying the cure and care of the sick as a business, a requisite degree of knowledge. Of this principle the Supreme Court of the nation, and those of most of our states, have expressed approval. The general opinion of mankind approves of it.

But, the Christian Scientists say, no education should be required of us because we do not practice medicine. The Supreme Court of Rhode Island took this view of the matter in the Mylod case, and even went so far as gravely to suggest that if Christian Scientists are to be considered as practitioners of medicine, then they should be entitled to a State Board of their own, as are homeopaths and eclectics. A lawyer instinctively professes, or expresses the highest respect for the court; but in reading this opinion one cannot help recalling the opening of a distinguished Massachusetts lawyer, who began his argument by saying, "Your Honors, I have the highest respect for the Court—except in a few gross cases." It seems to me, and this is said with all due deference, that the learned Rhode Island Court in making this obiter suggestion missed the whole point of the matter. The Christian Scientists are not in the same

category with homeopaths, eclectics, or any body of men who, whatever their scientific opinions—call them whims and vagaries if you will,—nevertheless profess to found their systems upon human knowledge, experience, and belief in the laws of what we call matter, and to accept as a rule the fundamental knowledge of mankind and the evidence of the senses. Why should not the Christian Scientists have a State Board of Examiners upon the same terms as other schools or systems professing to cure the sick? We have three Medical Boards in this state, representing the regular physicians and what are called the schools of homeopathy and eclectism. These schools profess to differ from the regular profession only or chiefly in their methods of treatment. As a matter of fact we laymen believe, rightly or wrongly, that the learned among them are in substantial accord. However that may be, there is no pretence that there is any homeopathic anatomy, or eclectic physiology, or that children are born by different methods; in short, these differing schools are agreed upon the same fundamentals of what has been exactly achieved in medical learning. They all recognize that no man can be equipped for medical practice under any system, who ignores the basic facts of life; and our examining boards subject all candidates for license to the same examinations in every department of medicine except in therapeutics. Now what objection would there be to letting Christian Scientists have a state board under these conditions, greater than the objection the Christian Scientists themselves would raise? If Mrs. Eddy or Mr. Norton, or any of the cult could demonstrate

the possession of that knowledge of anatomy, physiology, hygiene, the action of drugs and poisons, obstetrics and other matters which all men, worthy to be called scientific, agree are necessary to fit one to care for the sick, why should he and she not be allowed to practice Mrs. Eddy's system, if, having attained to such knowledge, they still believed that system to contain the true therapeutic? Of course I do not wish to be understood as favoring any such a proposition, or believing it practicable. I do not believe it possible that persons conversant with the human economy would be content to practice Eddyism; but on the contrary, believe that if such a board as the Rhode Island Court suggested were established, it would result in the practice of medicine by Christian Scientists, even if they still kept to their name for the sake of the clientelage it would bring.

But how can a State Board be constituted to examine in scientific matters a class of persons who deny the existence of scientific knowledge as do the Eddyites, who deny the existence of matter, of disease or injury, of everything that is recognized throughout Christendom as a material fact? How that wise Pagan Socrates would have laughed over the proposition that man is fitted to cure sickness in proportion to his denial of its existence! How he would have revelled in putting Mrs. Eddy and her board of lecturers through such a cross examination as he gave to Euthydemus! Socrates, whose sane mind preached constantly one gospel, that man must be trained and fitted for his work in order to do it well, that a pilot must know all about vessels and steering; a tailor

about fabrics and cutting; a statesman about government and law; and a physician about the human economy. The solemn nonsense uttered by intelligent men in support of this cunning and ignorant old lady's money-making scheme would be enough to make the gods shake with Olympian laughter, except that tears and wrath chase away the smiles when we contemplate how horrible it is to subject even the willing and credulous to the treatment of these mad people. It is bad enough to realize the mistakes of diagnosis and treatment made by men of skill and learning. No one but a fool believes that physicians are infallible, or that medicine is a perfect science; no one with an atom of sense would consent to have the present medical practice established by law and the wheels of progress stopped. It is tiresome but necessary to say this a thousand times, in answer to the wearisome iteration of the quack fraternity, that medical law is only designed to maintain the present. How can we keep patience with the ever-recurring argument that because the learned and skilful make some mistakes, the ignorant and inept should have free hand to make errors innumerable? Why must we forever answer seriously the argument, or rather the asseveration, that there is something solemnly precious in ignorance and something suspicious in knowledge? A schoolboy who has once read Cicero's oration for Archias has the answer to this dismal patter forever on his lips.

Let us illustrate, with a few examples, just what Christian Science demands the right to do ignorantly, and what its opponents say should only be attempted

with knowledge and skill. Childbirth is not a disease or a sickness but the healthy operation of a normal function. Without any attendance at all, or with the attendance of a Christian Scientist,—it is the same thing,—children are constantly brought into the world with labor and great pain. But, in our modern life especially, there are complications demanding the highest skill for their safe treatment; and pain, if not banished, may be minimized. How horrible it is to imagine a case of *placenta praevia*, or an abnormal presentation in the hands of these mad people who pretend that the mere reading of Mrs. Eddy's book of jargon fits the reader to take care of any case of sickness or obstetrics! Is it much if anything short of murder for an Eddyite, taught only by the contents of that dreary book to attend such cases as those supposed? Again, a child swallows poison; then there is a possibility,—a probability,—it may be a certainty,—that competent medical aid seasonably called in, will save the child; what is to be thought of the parent who calls in the ignorant Christian Scientist, what of the latter who mentally argues with the symptoms of poisoning that he cannot recognize and excludes the necessary and efficient aid? Is he not a man slaughterer, nay a murderer? Once more, a case of smallpox, malignant diphtheria, or scarlet fever breaks out in a tenement house full of children; medical aid being called may cure it, or, at all events, recognizing the disease, may isolate the patient, disinfect the premises and stop the spread of contagion. The Christian Scientist comes, in his crass ignorance denies that there is any disease present and sits down in solemn mad-

ness to argue with what he calls an erroneous belief of mortal mind—the contagion spreads and there is a new slaughter of innocents. Is not the so-called scientist a pest, and should he not be incarcerated in a prison or a madhouse where the community may be safe from him in the future?

There is no further provision of law needed to deal with these people than to widen the definition of medical practice sufficiently to correspond with that of the sanitary code—require of them before they are permitted to take charge of the sick, the same degree of knowledge that is required of a Roman Catholic, a Protestant or a Mohammedan. Is it too much to ask that the legislature do this, or shall we accept the argument—and it is the only one that is made in behalf of these people, that any scoundrel or sincere fanatic may commit any wicked act for reward and shelter himself under the plea that he considered it his religious duty to commit the offence.

If all men were wise, if fallacies did not have a fascination for intelligent minds, if in our own day as ever since the world began, every unknown thing were not for some minds a wonderful thing, if an age of scepticism were not also notoriously an age of credulity, there would not be need even of this much legislation. It is for you and for other men of your profession and for laymen as well to turn the light into this reeking corner of superstition, strip the disguise away and show what is below it and you will not have need even of this much law, for after all the law has never been able to protect a fool against the consequence of his folly.

V

HOW FAR CAN LEGISLATION AID IN MAINTAINING A PROPER STANDARD OF MEDICAL EDUCATION?[1]

Mr. President, Ladies and Gentlemen:— I desire, first of all, to express my indebtedness to those gentlemen in the different States and Territories of this country and in the British Provinces to whose courteous replies to a circular letter of inquiry upon the general topic of Medical Legislation, sent to them in the early part of the summer, it is due that the conclusions of this paper may be said with fairness, I think, to represent not only the opinion of others besides myself, but prevailing opinions among those whose chief interest in medical legislation is that it shall confine the practice of medicine to educated persons, regardless of any particular views they may entertain as to questions of therapeutics.

It is not intended to present statistics here. My correspondence has not yielded any from which I should care to deduce conclusions, nor are they needed to substantiate what I hope may prove fair reasoning and sound deduction.

This paper must be, therefore, a statement of what I conceive to be general principles and fair inferences from an experience of some years, as counsel of the

[1] Read before the American Social Science Association, Sept. 5, 1888.

medical societies of the State and of the county of New York, in drafting and securing the enactment of the present by no means perfect medical statute of that State, and enforcing in the county of New York obedience to its provisions.

It may be said, however, as the general result of the inquiries, which were made in every State and Territory of this country, and also in the British Provinces, that almost every reply to the circulars expressed approval of some system of regulating by statute the practice of medicine; and the opinion was also strongly expressed that such legislation as has been already enacted crude and imperfect though it be, has perceptibly improved the standard of medical education.

At the threshold of this inquiry, it is worth while to lay down certain postulates.

First of all, let it be said distinctly that such legislation as we are about to consider is regarded by the courts both as constitutional and as highly desirable. It ought to be scarcely necessary to have to say this. But the opponents of statutory regulation of medical practice so constantly declare it to be an infringement of the liberties of the citizen, and therefore unconstitutional, that one may well preface any remarks of this nature with the assurance that, so far as any principle can be considered as settled and approved by judicial authority, the principle involved in this sort of legislation stands settled and approved by the Supreme Court of the United States, and that of every lesser commonwealth before which it has been brought.

In the second place, it is necessary to state the only

principle upon which such legislation can be justified. That principle is *salus populi*,—the principle of security, of self-protection against fraud and ignorance. It is a vulgar and frequent assertion of foolish persons, who really believe in the *quasi*-supernatural powers of the ignorant and depraved, and of knaves who, professing to have such powers, prey upon the credulity of their suffering fellow-creatures that the only purpose of medical legislation is to increase the emoluments of a favored class by obstructing entrance into it with such barriers as will exclude many honest but ignorant voters from the right to practice physic, and so, by limiting the number of its practitioners to the educated, lessen competition. It is not necessary to demonstrate to you the falsity of this slander, or to argue in favor of the propriety and justice in principle of throwing safeguards about a profession intrusted more than any other with the health, honor, and life of the citizen. Surely the State has a right to protect the lives, health, and bodily welfare of its members against the assault of the charlatan quite as much as against the assault of a more courageous homicide. Nor is it altogether an answer to this argument to say that, inasmuch as a man voluntarily selects the charlatan as his medical attendant, while he exercises no choice as to the homicide, there is no analogy between the two cases. It is quite impossible for me to see in what regard, except cowardice, a man who, with absolutely no knowledge of the human economy or the effect upon it of drugs, attempts to practice medicine for fee or reward differs, when his practice proves fatal, from the less crafty murderer who for reward,

if not for fee, knocks his victim on the head. There is this difference also between the two offences,—the quack's is chronic, the homicide's sporadic. But, as between the courageous homicide and the venders of quack remedies compounded with morphia and like poisons, the former seems admirable. It is said, indeed, that the patient having his choice of medical advisers will exercise it wisely; and, if he does not, the civil remedy for malpractice, accruing to himself or his representatives, is a sufficient remedy for one foolish enough to seek such advice. But civil remedies are expensive luxuries of doubtful result, and, besides that, the interest of the community does not centre in punishing an offence committed on one of its members, but in preventing its repetition against others. I am not aware that it is recognized as a defence to a charge of homicide occurring, say, in the prize-ring, that the deceased invited his antagonist to fight with him in an amiable contention for a purse, which should be the fee or reward of the victor; and, indeed, it seems to me that the prize-fighter, unlucky enough to kill his opponent, deserves more sympathy than the charlatan; for his antagonist had a chance to win the fee and perhaps do the killing himself, whereas between quack and patient the former stands to win the fee, while the latter will never compel his adviser to swallow his own prescription.

In considering what legislation can do in bettering any social condition, we must never forget that the best law which can be framed is but an exceedingly clumsy instrument for the enforcement of even the elementary moral obligations that are clear to all of

us. Almost everybody of cultivation can see a reason for prohibiting—not for the sake of those directly interested, but as harmful to the community—prize-fights, duels, bull-fights, bridge jumpings, and all other performances, including suicide, whereby foolish men not only risk their own lives, which might be no great loss to us, but set a pernicious and demoralizing example. The offence against society by such precedents is so palpable and gross that a very crude mind will assent to the justice of their punishment when committed and the forbidding of their occurrence. But the transgression of the charlatan is somewhat more subtle and a thousandfold more dangerous; yet, because his services are sought by his victim in the belief that they are a prevention, not a source of danger, many consider his acts as matter of private interest, and overlook the public wrong. From the standpoint of morals alone, the quack, from whose ignorance, and worse than ignorance, a patient's death results, stands in the same relation to one who has committed murder while engaged in robbery that the subtle wrecker of a great corporation does to the unlucky scamp who has stolen the wherewithal to get his daily bread or rum, as the case might be. The difficulty of tracing the effect to its cause is the safety of the former offender, and it is not unfair to say that the chief wrongdoing punishable by law is clumsiness in execution. To succeed in crime, one must be an artist.

It is when we come to seek a legal remedy against the immoralities of quackery that the difficulty of reaching them without making laws themselves ob-

jectionable becomes apparent. Bentham has very well pointed out that moral and statutory law have identical purposes and are governed by the same principles, differing only in this: that, although both are circumferences in the same plane, they are concentric and of unequal radii. Each circumference has the same centre,—namely, the greatest happiness of each and of all; but the circumference of morals bounds the entire plane of human action, whereas that of law, of which the radius may be said to be practicability of enforcement, has a much narrower scope. Whatever is legal is, or certainly should be, moral. But there are a thousand moralities the attempt to enforce which by law would lead to evils far greater than those sought to be obviated. In one sense, law itself may be almost called an evil, since it is not only a restriction of freedom in action, but a restriction which unfortunately can often be enforced only at the cost of inflicting lesser evils than it is designed to prevent: thus, for example, the existing medical statutes of most of our States recognize, as the sole license for the practice of medicine, the possession by the licentiate of a diploma from a chartered college conferring the degree of doctor of medicine. And, while it may be perfectly true that the probabilities are greatly in favor of a beneficial result from these laws in limiting the number of uneducated practitioners of physic, it is also quite as true that a factitious value is given by such legislation to a mere parchment, and a standard set which cannot be higher than that of the poorest college the diploma of which is recognized as a license; and it is quite possible that in many

cases persons of fair attainments acquired through extra collegiate study may be debarred, temporarily at all events, from a right possessed by a far more ignorant graduate of some contemptible school incorporated by a too complaisant legislature. These incidental hardships under existing laws are more than offset by the increased security of society against ignorant pretenders; but they show how necessary it is to keep it in mind that a statute must be not only right in its purpose, but must neither work greater evil than it prevents nor be impracticable of enforcement.

Of course, no penal or restrictive law can be effectively enforced if its purpose does not commend itself to the moral sense of the community; and every enactment that cannot be vigorously enforced is an encumbrance to the statute book, useless lumber, like the purchases of Mrs. Toodles at auction-rooms of coffins and door-plates that might be handy some day, —nay, worse than useless, for, like lumber in a dark garret, such statutes are stumbling-blocks for the unwary.

The law is a schoolmaster over and above all things. Its chief value lies in the fact that its daily enforcement is a constant voice crying in the wilderness against the evils that it prohibits and punishes. Any one so unfortunate, or perhaps I should say fortunate, as to be called often to a police court must at times feel that the attempt by legislation to check even the gross and palpable crimes against person and property is a never-ending toil of Sisyphus. The stone seems to roll back every night as far as it is rolled up every

morning. The same faces turn up, the same crimes are committed over and over by the same persons. We grow disheartened when we seek the good effect of a penal statute among the individuals who have felt its heavy hand,—and this is most sincerely to be regretted,—but we pluck up heart when we see the number of individuals who are deterred from crime and educated to an appreciation of the common rights by the law's enforcement.

The chief purpose of legislators in times past was the punishment and remedy of evil committed. The tendency of modern law is toward prevention. We are seeing more and more the wisdom of the clever Irishman who "hollered before he was hurt," because he could see little use in hallooing afterward.

What has been said up to this point may seem, perhaps, if not irrelevant to the topic, nevertheless such a statement of general principles as it is not necessary to make before an audience of students of social science. And, if the words uttered here found no audience beyond these walls, it might have been well to consider only the desirable features of a good medical act. But I owe the honor of being asked to address you to the fact that it has been my professional privilege for some years to advise those medical societies that have been striving to protect both the public and the medical profession of the State of New York against pretenders. What is said here is carried to many beyond reach of our voices. What to you may be truisms are to many intelligent men theorems to be demonstrated. Medical legislation is never asked for, but a cloud of misunderstanding and mis-

statement at once arises, and the proposed measure is attacked as unsound in principle and unfair in practice.

It has therefore seemed proper both to clear away all such mistiness before answering in the most general terms the question at the head of this paper, and to make plain to every one who may hear or read these words the spirit in which the medical societies of New York are acting in this matter,—a spirit that must commend itself to men of fair minds and common sense.

Starting, then, with these general principles,—that under its police power the State has authority to regulate the practice of medicine, and that no law can be of real utility that cannot be enforced actively,—we may examine within what limits it is wise to exercise that authority, and how far its exercise can aid in maintaining a proper standard of medical education.

If no law can be effectively enforced that arouses strong antagonism in the community at large, it is manifest that a medical law enacted to favor any special class of practitioners of medicine, to uphold or suppress any theory of medical practice, to establish any set of regulations as to fees, or that is otherwise obnoxious to the great body of citizens would probably soon become a dead letter and positively harmful to the whole medical profession. In the *Medical Record* of September 11, 1886, I endeavored, in an article entitled the "Evolution of the Apothecary,"[1] to illustrate this point by tracing the struggle of the College of Physicians to reserve to its licentiates the exclusive right under its charter to prescribe medicine. After some two hundred years of successful prosecu-

[1] See page 145.

tions of apothecaries and others, the college met its Waterloo in 1703, when Apothecary Rose, on his appeal to the House of Lords from the judgment of the courts in favor of the college, succeeded in having his appeal sustained, not on points of law, but because the system in vogue seemed to the Peers absurd, as necessitating the employment in trifling cases of two or three persons at large fees,—a physician to prescribe, an apothecary to dispense, and perhaps a surgeon to operate,—a state of things that a Peer would not submit to in the case of his sick servant, and would not require a poor man to submit to in his own case. The physicians had their fee system and their professional pride to thank for their defeat in this as in some other instances. This decision having made it possible for every ignoramus to tinker with the health of John Bull, it happened in time that the apothecaries, who had routed the physicians on the point of fees and acquired a right to prescribe as well as dispense their own drugs, after a hundred years' experience of the results of their freedom, during which period general medical education had sunk to a dismal condition and quackery had flowered abundantly, procured from Parliament the amendment to their charter known as the Apothecaries Act, whereby their Hall was empowered to examine and license apothecaries. The enactment of this statute according to Sir Henry Halford, who had opposed its passage, "raised the standard of that branch of the profession amazingly."

In other words, the very men who procured the extension to themselves of the right to prescribe, because of the burdensome regulations of the physician, solic-

ited a restriction of that right when they found that charlatanry and ignorance were rapidly getting control of general practice. In this page of history, we find evidence that a law prescribing, with a view to the general good, educational qualifications for practitioners of physic will obtain favor where statutes partaking of a trades-union spirit, using that word not in its better sense, will fail. I use the term "trades-union" here for lack of a better, and not as one necessarily conveying an objectionable idea. In the sense that a trades-union is a combination of artificers to improve their moral, physical, and mental condition by all lawful means consistent with a due regard to the rights of the community at large, it is a perfectly proper organization, and much to be commended as an element in the common welfare. In so far as such a combination, however, seeks to carry out a plan for procuring high wages by violently obstructing others in their rights to earn a livelihood in legitimate ways, it is an intolerable evil in society. What is true of the trades-union of artificers is equally true of organizations of capital similarly designed; but, both in handicrafts and trade,—the ostensible objects of which are avowedly selfish, being the pursuit of wealth or the earning of livelihood,—such combinations as these are more understandable, if not more defensible, than like combinations among men engaged in the quest of scientific truth. The avowed object of incorporating medical societies is stated in their charters, in New York at least, to be "to contribute to the diffusion of true science and particularly the knowledge of the healing art." When they transgress these limits, and

seek to establish burdensome fee systems or to forcibly check what they consider schismatic opinions, the law interferes to restrain them within their proper bounds. The courts have wisely, in most instances, declined to pronounce upon any questions of opinion or to interpret the word "physician" in acts regulating medical practice so as to favor the therapeutical systems of any body of practitioners. It is all one to the law whether the doctrine of *similia* or the doctrine of *contraria* prevail, whether the patient be dosed with the highest potency or the most heroic bolus; and this point was settled finally and wisely in the State of New York by the case of Corsi vs. Maretzek (4 E. D. Smith, 1), where the court refused to accept the contention that a homeopathist was not a physician in the legal sense of the term because he followed a system of healing disapproved of by the majority of practitioners of medicine. No statute can be effective that is even suspected of the design to shackle or suppress opinion. Free thought is the breath, the life, of the scientific search for truth, as humility is its badge. When a man or a profession reaches the point where intolerance and self-satisfaction take the place of humility and fair inquiry, paresis of the soul has commenced. It is the law of our existence that

> "The old order changeth, yielding place to new;
> And God fulfils himself in many ways,
> Lest one good custom should corrupt the world."

I dwell upon this point because the reason that we do not have in New York to-day a State Board of Medical Examiners, such as we find in Illinois and European countries, and such as is requisite to any ef-

fective scheme for securing a fair average of education among medical licentiates, is due to the fact that it has proved impossible up to this time to bring into accord as to the organization of such a board regular physicians, homeopaths, and eclectics. About three-quarters of the entire number of medical practitioners in the State are regular physicians; that is, practitioners calling themselves by the name of no "school" or "sect." They number something like six thousand. The homeopaths and eclectics number about twenty-one hundred. Bills to create one or more central boards of medical examiners have been introduced into the legislature during the last four years at the instance of each of these parties. These bills have agreed substantially in all points save two: first, the examination in therapeutics; and, second, the organization of the board. The physicians have insisted that their numerical ratio of three-fourths entitles them to a representation in the board of at least two-thirds. The two "schools" insist that, if this ratio should be given, their candidates would be plucked and their "schools" effaced, and that, when this was accomplished, the physicians would at once order new vials of enormous size, larger boluses and nastier drugs than ever before, that even the daughter of the horse-leech would be silent from satiety, and the cup and lancet would once more drench the land with gore.

In other words, we have this condition of things: Three parties exist whose interests are at stake in the proposed legislation. All declare that they favor restricting the practice to men who have studied chemistry, botany, physics, anatomy, physiology, diagnosis,

microscopy, etc. The homeopaths and eclectics hold no sectarian views as to the atomic theory or the law of gravitation, and agree with those whom they dub allopaths as to which has the greater number of ribs a man or a woman. But, when we come to materia medica and therapeutics, we find a "state of things." Col. Jones, having a severe pain in the vicinity of his sword-belt, sends for his army surgeon, a regular physician; the baby has a sensation in its corresponding region, and Mrs. Jones calls in her homeopathic adviser,—for Jones indulges her in matters affecting her own baby; the nurse, experiencing a similar agitation, tries an eclectic; and the old "mammy" in the kitchen, feeling a like distress, sticks a pin in the carefully concealed rag baby she keeps for such occasions. All experience relief; and each, like the pedler who was kicked off four landings of a factory in quick succession, is lost in admiration of the beauty of the system.

Let us admit the truth that, while surgery has become almost an exact science as compared to its sister, —physic,—the latter is yet in the condition that unquestioning faith in the efficacy of medication and a willingness to break a lance for a system of therapeutics is to be found rather at the bottom than at the top of the profession. Therefore, whatever our beliefs or prejudices, we may as well make up our minds that no law will be tolerated that shall endeavor openly or covertly to favor or obstruct any system of medical practice as a system, regardless of the attainments of its professors. Whatever the facts may be, the law considers that the true physician is no blind partisan of any theory. He knows how feeble his best efforts are

to combat disease, how few the medicaments that can be used with certain results. In proportion as he is learned and wise, he pins his faith neither to a doctrine of *similia* nor of *contraria*, realizing that differences of opinion arise not from knowledge, but from ignorance.

The stumbling-blocks in the way of every effort to achieve wise medical legislation are: first, the ignorance and greed of the believers in and practicers of *quasi*-supernatural methods of treating disease; second, jealousies among the more intelligent adherents to "isms"; third, jealousies between the mother church of medicine and those of her children that wish to make of their specialties separate professions; fourth, the obstruction from vested interests that consider themselves threatened,—the incorporated schools that have some capital invested, and regard their power to confer a diploma operating as a license to practice medicine as their chief stock in trade.

The condition of our statute books to-day is this: they contain (1) special acts incorporating medical, pharmaceutical, and dental schools, with here and there a general act for that purpose; (2) acts incorporating medical societies of physicians and of sectarian practitioners of motley nomenclature; (3) general acts regulating the practice of physic and surgery; (4) general acts regulating the practice of dentistry; (5) similar acts regulating the practice of pharmacy; (6) sanitary regulations and laws creating health boards.

This jumble is itself an evil and an efficient cause of the propagation of false ideas. A logical law, which will of itself be an educator, will recognize that the principle on which all these statutes are to be de-

fended is that already indicated,—the right of the State to protect the health as well as the life and the property of the citizen. One health statute will then be enacted, and a responsible board created that will have in charge the arrangements of quarantine and sanitation and also the licensing of medical practitioners of every sort; and here I contend that the dentist and the pharmacist, thoroughly accomplished in their calling, are both medical men, and that, the sooner they are so recognized, the sooner existing jealousies as to them will die out, and the scientific character of the profession and its specialties will be raised. The student of medicine and pharmacy must go hand in hand for a while at the outset of their career. The former goes forward to the battle with disease. The latter remains behind to provide suitable ammunition. They are both fighting in the same cause, and will fight much better if each recognizes his fellowship with the other. It is equally true that the dentist is a specialist in medicine. To deny to these men professional standing is to repeat the history of the past and to create discord and jealousy among those who are working in a common cause.

Legislation can aid in the education of all these fellow-workers chiefly by vesting the licensing power in a central Board of Medical Examiners, and, to some extent, under the diploma standard: (1) by fixing a minimum age under which they will not be allowed to practice their calling; (2) by requiring of each of them a fixed term of study of certainly not less than two graded years, leaving to the board, where created, the care of details; (3) by requiring proof by examina-

tion or certificate that each candidate for license had studied before beginning his professional course at least those branches of a general education in which law students are examined in this State before they commence their legal studies; (4) by declaring that no medical school—including in the terms schools of dentistry, pharmacy, and midwifery—shall be incorporated by special act, and providing a general law for the incorporation of such schools only upon proof made of the possession by the incorporators of sufficient capital—say not less than a hundred thousand dollars—and teaching plant to justify the belief that the school will be capable of exercising faithfully its franchises. Such an act should contain stringent provisions for its own enforcement and for the forfeiture of abused charters. How useless the mere enactment may be is shown by the fact that section six of chapter 114 of the New York Sessions Laws of 1853 contains a general provision of this nature. Nevertheless, since its passage, some six or more medical colleges have been incorporated by special act of the legislature; and had it not been for the vetoes of Governors Cleveland and Hill, when their attention was called to this general statute by the medical societies, at least one college would have regained by special act its charter of which the courts had deprived it. No greater service can be rendered to the cause of medical education by the State than the exercise of care in creating medical schools, and holding them to strict responsibility when created. The latter will never be done, I fear, except when the laws are invoked by medical societies. (5) A minimum course of medical study should be pre-

scribed, in which a grade of at least seventy per cent. should be attained on examination. The regulation of all details of examination should be most wisely left to the board of examiners. But the topics in which examinations should be had might well be specified in the statute; and I incline strongly to think that it would be most wise to omit any examination in those obscure topics of therapeutics and materia medica, upon which all medical heresies have been begotten by unscientific minds. One who should creditably pass his examinations in botany, chemistry, physics, anatomy, surgery, physiology, hygiene, diagnosis, obstetrics, and microscopics, especially if his clinical examination should show him to be educated in a true sense to observe and draw sound deductions from observation, rather than crammed like a parrot, might well be trusted to form his own conclusions and pursue his own studies as judgment should dictate in the *terra incognita* of therapeutics.

It has been already said, but it cannot be repeated too often, that the law has nothing to do with medical theories. The utmost it can do successfully is to prescribe that none shall practice medicine except persons educated in those branches of science that all admit are essential to an understanding of morbid conditions of our species, and possessed besides of a fair general education. It cannot prohibit the practice of sectarian medicine and such delusions as mind-cure and Christian Science, for this would be an assumption by the law to prescribe what system of healing shall be followed; and it might as reasonably command—as, indeed, I believe it does in Mormondom—that all

the sick should be treated by anointing with oil in conjunction with prayer by the elders.

If a man who has passed his examinations in such branches as above indicated shall conclude to adhere uniformly in practice to the doctrine of *similia* or of *contraria*, or even to the profundities of Mumbo Jumbo, or mind-cure, the law cannot prevent him. For his errors, he will be liable always in damages, no matter what system he adopts; and, with that, we must be content. If the education required of him does not keep him to the faith, we may perhaps find in some cases that his departure from it is the opening of a new way to fresh truth. (6) Finally, the law should not recognize any diploma as of itself conferring a right to practice medicine. Even if the possession of such a document should be required as an antecedent to examination by the health board, it should not be allowed to take the place of such examination. It is to the interest not only of the public, but of every medical college of high standard, that the diplomas of what have become known as "diploma mills" shall be deprived of the licensing power, which is their sole value.

Any scheme of medical legislation will hereafter, of course, embrace that great safeguard against imposture and efficient tracer of frauds, the system of registration, whereunder no one is allowed to practice medicine who has not made a public record under oath of his name, origin, and credentials for license.

Beyond the point here indicated, it would not be wise for legislation to go. The chief *desiderata* in a good law are brevity, simplicity, and lack of detail. If a diploma standard is to be maintained, it would

certainly be desirable that the statute should provide that only diplomas of colleges giving graded instruction and requiring preliminary examination of their matriculants should be received as licenses.

But it may be well to say once more that the mere enactment of a law against a vicious practice will be no deterrent to the transgressor, and, therefore, of no service to the cause of education. He must realize that the law is enforced; and, in order that it be enforced, somebody must be charged with carrying out its provisions. In the State of New York, the regular medical societies have of late charged themselves with the duty of executing the medical act. Such acts have been upon the statute book for more than a hundred years. But prior to 1880 they had fallen into neglect, largely owing to the clumsiness with which they were drafted. In that year, the State Medical Society secured the passage of a new law, and in 1887 of a codification or revision of all the medical statutes; but the law in this State is yet far from perfect, and chiefly for the reason that there is no central body having control of its execution. The most that the medical societies can do is to punish those who practice without diplomas. They are powerless to exercise any supervision over those granting the license. In this regard, the statute of the State of Illinois is far more efficient than ours; and the Health Board of that State has entitled itself to the commendation of all who are informed of its excellent and efficient work.

But the County Society of New York has done enough to show that even a poor law can be of advantage to the cause of medical education. The ex-

ample of its prosecutions has stirred up allied societies to action, and has constantly called public attention to the fact that the practice of quackery is not safe within its jurisdiction. Adopting the new code of ethics, it has shown conclusively to all who have watched its course that its members have not had in mind the suppression of any system of healing the sick only because they disapproved the methods of that system. It has recognized that the utmost limit to which the law can properly go is to provide that nobody shall practice medicine at all, by which term the courts understand the use of drugs and instruments, unless he has the slender educational qualification prescribed by the statute. If possessed of that qualification, the society concede that the practitioner has a right to use whatever system may commend itself to his understanding or lack of understanding.

The prejudices and jealousies that prevented the passage of the Examiners Bills have been already alluded to. But, although those bills failed to become law, nevertheless, when the present statute incorporating their points of agreement was obtained by an alliance of all parties, a distinct advance was made, in that the homeopaths and eclectics were convinced that, whether the other societies agreed or not with them in matters of practice, they were willing to join hands with them in securing, if not the best legislation, at least the best possible under the circumstances; and that they were quite capable of bringing forward in good faith a bill actually what it appeared to be, and not secretly designed for the destruction of schismatics. And it is very safe to say that it is only

a question now of agitation of public and professional opinion that is necessary in the State of New York to bring about such legislation as will obliterate all sects in medicine, not indeed by harassing the individual practitioner or legislating against any system of practice, but by educating the public mind to the fact that no one should be intrusted with the practice of any system who has not a fair attainment in those branches of study which all admit must be necessary to any one expecting to devote himself to the treatment of disease; and that every one is entitled to the name of physician who is learned in his science, skilled in his art, and capable in his profession of trying all things, holding fast what is true, facing bravely the errors of others, and admitting candidly his own, and, above all, recognizing the possibility of honest differences of opinion, which can be settled only by honest investigation and kindly exposition.[1]

If the law will forbid the practice of medicine to all but those who give proof of a fair general education and reasonable attainments in the branches of sciences and medical study as to which there are no "schools," it will do all that can be asked. Its licentiates will be too intelligent to indulge, as a class, in vagaries, sectarian medicine will disappear or dwindle to insignificance, and the physician will be free to follow where the torch of Truth lights the way.

[1] Shortly after this paper was read, a system of State Examination was established and still remains in New York. In 1893 the practice of medicine, dentistry, pharmacy, etc., were regulated by one Public Health Law. The suggestions of this paper have been adopted. The medical schools require a graded course of three or four years, and preliminary education. The standard of medical education and the value of the diploma have been greatly advanced.

VI.

THE EVOLUTION OF THE APOTHECARY.[1]

THE expression by Mr. Fox in an after-dinner speech, when on his special mission to St. Petersburg, of a patriotic belief that the "American language" was destined to become the universal speech, excited comment and curiosity. Matter-of-fact Britons resented this appropriation of their mother-tongue as an application of cuckoo methods to linguistics. Polyglot Russians yearned to acquire a new dialect.

Apothecary is one of those words in the use of which American differs from English and resembles Scotch; for with us, as in Scotland, prior to the passage of the pharmaceutical acts, if not now—it denotes one whose business, of a trading nature, consists strictly in selling, compounding, and dispensing drugs, chemicals, and kindred wares. The introduction into the stock-in-trade of soda-water, cigars, and confectionery, shows a tendency of the business to revert, even in great cities, to its type; for grocers and poticaries were formerly a single brotherhood, and were first incorporated into one worshipful society. Every grocer had an ἀποθήκη, by virtue of which he was a poticary.

In the fourth year of his pedantic and witch-hating reign, James I. granted a charter to "The Wardours and Fellowship of the Mystery of Grocers of the City

[1] New York *Medical Record*, Sept. 11, 1886.

of London," making of them a body corporate. But, as often happens where a child of his works secures a recognized social status for his family, the lesser, or junior, portion of this Mystery soon felt itself finer and more mysterious than the entire fellowship. Moreover, the blending of trades had its own inconveniences, easily conceivable to one who has been in rural districts where it still obtains. Our own Galen, who is heroic, once prescribed a very drastic remedy, and a combined haberdasher-grocer-apothecary of Westchester essayed to supply it. But the unusual dose, which "no one out here has ever took," drove him to a dispensatory, where for fifteen minutes he groped befogged, searching if a city man had anything in common with the ostrich. Only fear of not selling the drug decided him to risk decreasing the population.[1]

Perhaps episodes of this kind as well as a realization of the need of special care and training for the safe dispensing of medicines induced the "well-beloved Theodore de Mayerne and Henry Atkins," his "discreet and faithful physicians," to make those representations to James that induced him, in the thirteenth year of his reign, to separate the apothecaries from the grocers after nine years of union, and grant the former a separate charter under the corporate name of "The Master, Wardens, and Society of the Art and Mystery of Apothecaries of the City of London."

But although it was through the intercession of physicians that the apothecary, thus freed from the

[1] Thus Romeo argued with his apothecary, hesitating to sell poison contrary to law: "The world affords no law to make thee rich; then be not poor, but break it and take this."—Act v., Scene I.

environment of grocerdom, was able to set up his own mystery, we may be very sure that the said Theodore and Henry never intended his evolution to go on until he should become, as he now is in England, a general practitioner of medicine. On the contrary, the new charter provided that the rights of the College of Physicians should not be abridged, that the college should exercise a certain supervision over the company, and that the apothecaries should consult the physicians on the use and properties of medicine.[1] The exclusive privilege granted to the apothecaries by their charter was this: "No person, free of the Grocers', or any other mystery in London, except those of the Apothecaries' Company, shall keep any apothecary's shop, or make, compound, administer, sell, send out, advertise, or offer for sale any medicines, distilled waters, compounded chemical oils, decoctions, syrups, conserves, eclegmas, electuaries, medical condiments, pills, powders, lozenges, oils, unguents, or plasters; or otherwise in any way practice the faculty of an apothecary," etc., under a penalty of £5. The only limitations upon this power were the said provision preserving the rights of the College of Physicians, whose licentiates might, under the statute, dispense medicine in their own practice, and the further provision that "approved chirurgeons" might enjoy their art "as much as belongeth and appertaineth to the composition and application of outer salves or medicines only,

[1] "Proviso semper quod pro tot et tal' ordinationibus quæ medicamenta aut compositiones et usum earundem concernent' advocabunt de tempore in tempus Præsidentem et quatuor censores, seu Gubernat', Colleg' & Communital' Medicorum London, aut alios Medicos Præsidentem prædict, nominand' pro avisamento in hac parte." Charter, May 30, Jac. 1,

so that they do not vend or expose to sale to others such salves or remedies, according to the common manner of the apothecaries of London." But these provisions were not restrictions, in any proper sense, upon the monopoly of the trade. Physicians and surgeons could only dispense medicine in their own practice; they could not deal in it; and it would seem that this statement of the "Encyclopædia Britannica," under the title "Apothecary": "The members of this society do not possess and *never have possessed* any exclusive power to deal in or sell drugs," is incorrect as a legal proposition.

The broad charter obtained for the physicians from Henry VIII. by Cardinal Wolsey, giving their college the licensing power theretofore vested in the clergy alone, which charter Mary confirmed, made the College of Physicians supreme in the whole field of medicine. It could license persons to examine and advise the sick, write prescriptions, dispense drugs,[1] and perform surgical operations;[2] whereas surgeons and apothecaries were narrowly limited in their respective functions. Whenever an apothecary or surgeon attempted to prescribe for the sick he stood in the peril of the law, and the college was not slow to punish him. Thus in 1602 one Jenkins, a member of the College of Surgeons, did "give judgment on urines and undertake cures."

[1] See the case of the Attorney-General ex rel Apoth. Co. v. The Royal College of Physicians (L. J., N. S., Ch. 30, 757), infra.

[2] 32 Hen. VIII., C. 40, 3, enlarging the original charter of the college, recites that the science of physic "doth comprehend, include, and contain the knowledge of surgery as a special member and part of the same," with which statement Dr. Davies, in his pamphlet on medical legislation, compares this saying of Celsus: "*Illud ante omnia scire convenit, quod omnes medicinæ partes inexæ sunt, ut ex toto separari non possint.*"

The Censors of the College of Physicians did then cause his arrest, and his counsel obtained, thereupon, a writ of Habeas Corpus; but on the return of the writ it appeared, in answer to the questions of Sir John Popham, Lord Chief Justice, that Jenkins could not justify his practice by the college seal, but could only plead: "I practiced as a surgeon, and in that art the use of inward remedies is often necessary." Whereupon Sir John sent him back to durance, saying substantially, as Goodall sums him up in his history of the college: "(1) There is no sufficient license without the college seal. (2) No surgeon, as a surgeon, may practice physic; no, not for any disease, though it be the great pox." And Sir John then further laid down six other propositions most disagreeable to Jenkins and like sinners, but of exceeding comfort to the college.

Before the incorporation of the College of Physicians the clergy were the source of license to practice physic. Successive bulls of the popes had failed to toss the priesthood out of this pleasant field of science. The college, as a corporate entity, seemed not only to have inherited the pride that marked the ecclesiastical body and caused the angels to fall, but also to have manifested it by self-mutilation, after the fashion of religious enthusiasts from the time of Atys to our own day. It was astraddle the bladder of professional pride that the apothecary floated on a silvery sea of shillings, sixpences, and half-crowns, to the humble but lucrative position of counter-prescriber and general practitioner, while the physicians, by their own acts, were impotent to stop him.

The surgeons had been originally barbers and smiths,

i. e., artficers; the apothecaries had been grocers, and still were tradesmen;[1] so that the physicians, notwithstanding their charter contemplated that they should dispense medicines and treat wounds and sores, enacted by-laws forbidding admission to their body to any who compounded or supplied medicine for gain, "surgeons, drug-compounders, or any other artificers of that sort, lest, perchance, if such men be admitted into the college we may seem not to have sufficiently consulted our own dignity or the honor of our country's universities, which, however, we ought, and we always desire, to attend with the deepest veneration." They decreed expulsion to any member of their college so far forgetting himself as to join the College of Surgeons or Company of Apothecaries,[2] and refused to license members of either body who did not first renounce membership therein.[3] The refusal of physicians to dispense even their own medicines; thus necessitating a fee for advice only, and the expense and inconvenience to patients, especially in the country, of calling on the physician and apothecary, and possibly the surgeon, for a single case, were sufficient reasons why, in the course of time, the vender of drugs came to be consulted as to their use. Here was the apothecary's opportunity, especially if he had, as was commonly the case, a surgeon's license also. He was not bound to charge a specified fee,

[1] They are so rated to-day in the Bankrupt Act.

[2] See By-Laws of College of Physicians, as recast in 1687.

[3] "Antequam quispiam in permissorum numerum admittatur, si forte chirurgorum aut pharmacopolarum sodalitio olim donatus fuerit, sodalitii istius privilegiis omnibus renunciet," etc. By-laws College of Physicians 1828. See Attorney-General v. Royal College of Physicians, infra.

and the average man, though unwilling to pay for medical advice, is ready enough to purchase a nostrum. We love to be humbugged in gross ways. A remedy is tangible value for money; if the swallowing of it is followed by considerable discomfort, the buyer is all the surer that it is efficacious. Advice, especially if consonant with common sense, seems less valuable. If a wise physician should prescribe exercise and abstinence from rum to a victim of one of the commonest forms of "malaria," his fee would be paid grudgingly by one willing to spend cheerfully a tenth of his income in Golden Preparations and Certain Ague Cures, while keeping up, at considerable expense, the cause of his symptoms. So it came about that the apothecaries, unmindful of any gratitude they might owe to the memory of those faithful and discreet physicians who assisted their society into the world, and regardless of the limitations of their charter, fell to prescribing over their counters, and from that proceeded to visiting the sick. Let us hope that one cause of their success in gaining patients, as set out by one Doctor Murett, in 1669, in his lamentation over their encroachments on the privileges of physicians, was less important than he seems to have thought it, for he says that physicians unawares had been instructing apothecaries in their science by "sending them to visit their patients to give them the best account they could of the state of their health and effect of their medicines, and of late years taking them with them on their visits," so that during the plague of 1661, "*most of the physicians being out of town*," the apothecaries were enabled to "take upon

them the whole practice of medicine."[1] This would imply that the physicians of the period were not only negligent of their duty in fair times, but that they fled their posts in time of danger, a charge savoring more of dyspepsia than of truth.

Whatever the causes were, the encroachments were made and punished during the period between the chartering of the company and the year 1703, when the House of Lords finally settled it in the case of William Rose v. College of Physicians, that an apothecary might prescribe his own remedies as well as sell them. This case is worth considering, for it was the last important step in the progress of the apothecary toward his present status as a general practitioner of medicine. The facts were these: William Rose being an apothecary, and John Seale, butcher, a sick man, the said Seale did send for the said Rose, who thereupon coming, did shake his head and look as wise as the whole Faculty, at which being much comforted, the thrifty butcher did ask the apothecary to send him something for his cure; whereupon the said Rose, not taking advice of any physician, did send some boluses to said Seale; charging therefor, but not for advice. The case does not state the effect of the boluses, nor is it important; for whether the patient was killed or cured was not material to the proposition of law, that it was alike contrary to the form of the statute for an apothecary to cure or kill. There does not seem to have been any doubt in the minds of the judges when the Col-

[1] Cited from Dr. More's Outline of Pharmacy in Ireland, in West. Rev. April, 1858.

lege of Physicians brought Rose up with a round turn for this his performance. The case was argued several times—for Rose, as the result shows, was pertinacious—but the court, having true legal respect for statutes, said, unanimously, yet with a bit of sting in the tail of their judgment: "The making up and compounding medicines is the business of an apothecary, but the judging what is proper for the cure, and advising what to take for the purpose is the business of a physician; therefore, let the distemper be what it will, the prescribing and advising what is fit for it is the business of a physician, though without a fee; but that rarely happens," and it was unanimously agreed that the practice of physic in the meaning of the statute consisted:

"(1) In judging of the disease and its nature from the constitution of the patient, and many other circumstances.

"(2) In judging of the fittest and properest remedy for the disease.

"(3) In directing or ordering the application of the remedy to the disease; and that the proper business of an apothecary is to make and compound or prepare the prescriptions of the doctor pursuant to his directions; and it was agreed that the defendant's taking upon himself to send physic to a patient, as proper for his distemper, without taking ought for his pains, is plainly a taking upon himself to judge of the disease and fitness of remedy, as also of the executive or directory part." [1]

[1] 3 Salk, 17; 6 Mod., 44. Contrast this with the definition of the modern New York case, Smith v. Lane, that makes the administration of drugs and medicines, or the use of instruments the sole test of medical practice.

The appeal being taken to the House of Lords, it was argued for Rose:[1]

"That the consequences of affirming the judgment would be to ruin all apothecaries, for in that event they could not follow their calling without the license of a physician;

"That constant usage and practice shows that selling a few lozenges or a small electuary to any person asking a remedy for a cold, or in other ordinary or common cases where the medicines had a known and certain effect, where no fee was taken, could not be deemed practice of physic;[2]

"That such affirmance would give physicians a monopoly of practice to the great harm of the public; for it would lay a heavy tax on the nobility and gentry, who, in the slightest cases and *even for their common servants*, could not have medicine without consulting and feeing a member of the college; it would deprive the poor of any advice; it would be prejudicial to those suffering accident and taken sick in the night who send for an apothecary, who would risk the penalty if he applied the least remedy."

For the college it was argued that:

"By several orders of the college its members were enjoined to treat the poor gratis, and to visit them at their houses;

"That when it was observed that these orders were defeated partially by the high price charged by the apothecaries for medicine, the college erected dispensaries in towns, where free patients could get medicine at one-third less than apothecary-prices;

"That in emergencies, not only apothecaries, but any one else, might relieve his neighbor, but this was no reason why apothecaries should practice at their leisure;

[1] 5 Bro. Parl. Rep., 553 (Tomlinson's ed.).

[2] Compare Apothecaries' Co. v. Nottingham, infra.

"That in light indispositions the patient generally prescribed for himself, and the apothecary might lawfully put up the medicine;

"That the most dangerous diseases begin with light symptoms, and the apothecary is not bred to detect them; moreover, he is likely to sell his drugs plentifully, and if he makes a mistake in diagnosis, to cause great harm in what might have been remedied by proper treatment." [1]

In spite of these arguments the Lords reversed the unanimous judgment of the Queen's Bench. How the vote stood does not appear, nor are the reasons from which the conclusion was drawn given. Whether the Lord Chancellor, sitting alone in solemn majesty, decided the question, or whether the lay Lords were affrighted at the prospect of having to employ a physician, as well as buy physic, for their common servants, we cannot know. What is certain is that the judges were reversed; and it was from that time on settled in England that an apothecary may prescribe as well as sell his own drugs. Two questions remained open: Whether an apothecary could recover, in an action at law, fees for medical advice,[2] or write a prescription for medicine not dispensed by him.[3]

In 1815 the Apothecaries' Act (55 Geo. III., C. 194) and in 1825 an act (6 Geo. IV., C. 133) amendatory of

[1] The opticians of to-day argue in like manner against the oculists.

[2] A recovery may be had now for both medicine and advice; but if the jury think the charge for the former sufficiently great to include a fee for the latter, they may so find. Toune v. Lady Gresley, 3 C. and P., 581; Handey v. Henson, 4 C. and P., 110; Morgan v. Hallen, 8 Ad. and E., 119.

[3] This is still meat for lawyers. But it is certain that although under the Apothecaries' Act, an apothecary must compound a qualified physician's prescription, he is not bound to compound one written by a fellow-apothecary.

it, were passed, revising and confirming the ancient charter of the company. At this time the state of general medical education in Great Britain was deplorable. The case of Rose had established the right of an apothecary, with no other instruction than what he might have picked up in his apprenticeship behind the counter, to practice medicine. The powers of the College of Physicians appear to have been exercised rather too often against competent men, including graduates of the Scotch and Irish universities, and even of Oxford and Cambridge, as in Bonham's case, and too infrequently against veritable quacks and impostors. It was no simple matter to get the license of the college, and yet unlawful for the best-trained man to practice in London without it. The physicians seem to have forgotten that a charter, such as theirs, has no other *raison d'être* than the benefit to accrue to the public from the creation of a class of skilled medical men and the weeding out of the ignorant and inept. There was a little too much of the spirit of trades-unionism in their enforcement of the law, and a too feeble pursuance of the object of their charter as recited in its preamble.[1] The practice of medicine had fallen to a very considerable extent into the hands of quacks and incompetent apothecaries, while competent men were hampered by artificial re-

[1] "Cum regii officii nostri munus arbitremur ditionis nostræ hominum felicitati omni ratione consulere; id autem vel imprimis fore, si improborum conatibus tempestive occuramus, apprime necessarium duximus improborum quoque hominum qui medicinam magro avaritiæ suæ causâ, quam ullius bonæ conscientiæ fiduciâ, profitebuntur, unde rudi et cretulæ plebi plurima oriantur, audaciam compescere," etc., of the charter of the Apothecary Company; the act of 3 Hen. VIII., C. xi; cf. the revisers' notes to Ch. xviii. of the N. Y. Rev. Stats.

strictions. The company, thus freshly reorganized, set themselves about remedying this evil. The right of apothecaries to prescribe being established, the company licensing them now recognized that the right to advise implied the duty of care and wisdom in advice to which medical training and instruction were prerequisites. They accordingly required candidates for their license to stand successfully examinations in chemistry, materia medica and therapeutics, botany, anatomy, and physiology, and the practice of medicine. The effect was that great benefit accrued from the act; and this was frankly admitted by the physicians who at first disapproved of it.[1] Another effect of the act was to increase greatly the number of licentiates of Apothecaries' Hall as compared with the college. In the decade from 1848 to 1858, the year of the passage of the Medical Act, the licentiates of the College of Surgeons numbered 4,915, many of whom were, of course, apothecaries; Apothecaries' Hall licensed 2,823, and the College of Physicians only 242. These statistics appear to have opened somewhat the eyes of the physicians, and shown them that the framers of their broad charter were wiser, perhaps, in their generation, than were they who drafted the by-laws. But it is a hard thing to admit errors; so that the college did not entirely relax its old rules to meet the new crisis; but in 1860, two years after

[1] Thus Sir Henry Halford testified before a Parliamentary committee: "I must do the apothecaries the justice to say that they have executed that act extremely well, and that the character of that branch of the profession has been amazingly raised since they have had that authority. I only do them justice when I state that, though I was very much against it in the first instance." Cited in West. Rev. April, 1858.

the passage of the Medical Act, while still preserving in the by-laws the provisions prohibiting membership or fellowship in the college to any one engaged in trade, or the practice of physic or surgery in partnership, or engaging to share profits on medicines with a chemist or other person, they nevertheless resolved to license a class of persons privileged to compound and dispense medicine in their own practice. Thereupon the apothecaries, who had come to believe themselves alone entitled to this privilege, filed an information and bill by the Attorney-General[1] against the college, praying that defendants should be restrained from thus amending their by-laws and granting such licenses. Mr. Roundell Palmer and others represented the college, and the case coming on in April, 1861, Wood, V. C., in an exhaustive opinion, sustained the right of the college under their charter to grant licenses in the entire field of physic.

We have thus seen the English apothecary not only evolve from a grocer into a general practitioner, but even acquire the assurance to attempt the curtailment of the chartered rights of the physicians. But it is not to be supposed that the apothecary, in our sense of the word, that is to say, the chemist and druggist, or, to use the English statutory term, the pharmaceutical chemist,[2] is entitled to prescribe his drugs in England. The contrary has been held in two very recent prosecutions brought by the Apothecaries' Company contending that what was very good reasoning in 1703 to establish the right of Apothecary Rose to prescribe,

[1] Attorney-General v. Royal College of Physicians. L. J., N. S., Ch. 30, 757.

[2] It is well settled in New York that an apothecary or druggist cannot prescribe without a physician's license.

was very poor logic in our day when applied to Chemists Nottingham and Harrison. These two cases show very clearly the law applicable to counter-prescribing, as it has always been laid down by the law courts, on both sides of the Atlantic. They merit, therefore, full exposition.

In the Apothecaries' Company v. Nottingham,[1] tried in January 27, 1876, before Baron Bramwell, it appeared that the defendant, although only a chemist himself, was in partnership with a medical practitioner duly qualified, to whom he always referred such patients as in his opinion were seriously ill. It did not appear that he ever left his shop to prescribe, but it was admitted that he was in the habit of giving advice over the counter in what he considered trivial cases. In charging the jury the learned Baron said: "You have to find a true verdict on the evidence, *whether you like the act or not.*[2] Perhaps you may think that a person has a right to practice as he likes, whether qualified or not; or, on the other hand, you may think that, whereas the poorer classes have no opportunity of judging of or of ascertaining the qualifications of the persons to whom they resort for medical advice, the legislature should require such persons to possess proper skill and knowledge, and to obtain a certificate thereof. No doubt some people like to go to unqualified practitioners so as to get advice cheap; but there is the law, and we have to observe it. If you think this man has 'acted or practiced as an apothecary,'

[1] 34 L. T. R., N. S., 76.

[2] Our italics. There are similar New York cases affecting persons practicing medicine under the guise of selling drugs.

then you must find your verdict for the plaintiff. Indeed, I feel some little difficulty in putting the case to you, for on the defendant's own admission he says he prescribed, and that if a person brought a child to him suffering from, say diarrhœa, and asked what was good for it, he gave the medicine; if, however, the case was serious, he sent the doctor. Surely that is acting and practicing as an apothecary within the meaning of the act?"[1] Still more recently, in July, 1879, this whole subject was carefully and learnedly considered by Judge Matteran, Q. C., in the case of the Apothecaries' Company v. Harrison.[2] The facts proved were that Julia Caddick went to the shop of defendant, a chemist, said she was suffering from weakness, and asked for something to relieve her. Defendant asked the cause of her weakness; she answered that it was left on her after confinement. He felt her pulse, looked at her tongue, and asked her to describe how she felt. She did so. He made up a medicine and charged only one shilling. Defendant's council urged in his behalf every argument brought forward for Rose, whose case, as we have seen, settled the right of the apothecaries to prescribe. He also tried to distinguish the chemist from the apothecary, by the criterion that the former could only practice in the shop, while the latter might visit; but the court said that the apothecary's right to visit was not clear as a legal proposition. Judgment was given for the company plaintiff, and the judge, citing the opinions

[1] See Mr. Justice Creswell's distinction between chemists, surgeons, and apothecaries, in Apoth. Co. v. Lotinga, 2 M. and R., 500.

[2] 67 L. T., 232.

of Bramwell and Creswell, *supra*, concluded his own opinion with these words, the applicability of which in this State and County is obvious to one familiar with their law and charities:

"I cannot, however, close this judgment without expressing my conviction that the act was intended (which intention has, I think, been successfully carried out) to have a beneficial action on the poorer classes. The more scientific masters of medicine being otherwise engaged, have no time to compound and dispense their own prescriptions; these, therefore, to save more valuable labor, are relegated to the chemists and druggists, who, if not a less highly educated class, are at least a class who have not passed the necessary examination to entitle them to practice as apothecaries. Now if the chemists were permitted to advise on the ailments of the poor, as well as to make up their drugs into medicines, the sick poor would lack the benefit of that highest class of skill which the rich by their purses can command. But this want has been provided for the necessitous at our public hospitals and dispensaries, where the ablest physicians, surgeons, and apothecaries in the land generously give their time and best skill to all comers, on whom not only sickness but poverty is pressing. The counsel for the defendant argued that the poor would suffer by limiting the action of the druggist according to the express language of the act; but to this argument the best answer is given by the act itself, which protects, benefits, and furthers the highest interests of the sick poor, by pointing and directing them to our public medical institutions for advice with reference to their ailments, and to the chemists for their medicines, when such are required, and are not provided for by those noble and charitable institutions."

Here, then, we leave for the moment our apothe-

cary. Having triumphantly established, within less than a hundred years from his abandonment of the grocer, his own right to practice medicine, and having as triumphantly blocked, for nearly two hundred years, encroachments, exactly similar to his own, by the chemist, we have seen him, within the last twenty-five years, lay violent hands upon the venerable college whose members gave him his first start in life as a tradesman of a distinct sort; and we have seen him beaten in this assault, planned in the interest of his corporation as a trades-union, and not as the dutiful public servant that every corporation should be.

The apothecary's history is profitable for instruction. Not its least obvious lesson is that so long as the laws affecting the practice of medicine and the incorporation of medical societies are exercised, in pursuance of their ostensible object—*i.e.*, the furthering of the public welfare by requiring of practitioners conformity to a reasonable standard of professional attainment, those laws can be enforced; but that, whenever such legislation is attempted to be exercised in a selfish spirit of trades-unionism, for the benefit of corporations and their members, and in disregard of the public needs and convenience, the same laws will be nullified by close technical constructions, and if not repealed will fall into "innocuous desuetude." The medical profession in this country has been free, fortunately, from those arbitrary limitations which enabled the untrained apothecary partially to supplant the physician in England, by making it unprofessional for the latter to engage in the practice of medicine to the full extent authorized by the charter of the college grant-

ing his license. And there seems to be no adequate reason why the apothecary with us should be suffered to prescribe chalk-mixtures for "light cases of diarrhœa," bromides for "nervousness," and so forth. A judge in New York City said some time ago that the court would take judicial notice of the fact that a lawyer could be found in half an hour for any client. And what with hospitals, infirmaries, dispensaries, night medical service, and about twice as many well-equipped physicians as lawyers in our cities, there is certainly no crying need for laymen to render medical assistance except in cases of emergency.[1]

[1] Such has been the spread of the hospital and dispensary system in New York City of late years that many physicians have banded together to correct what they allege is its abuse in furnishing free medical treatment not to the poor only, but to those in moderate circumstances and even to the rich. Some of these allegations if well founded are certainly startling.

Appendix A.

THE CLAIMS OF CHRISTIAN SCIENCE,[1]

AS MADE BY ONE OF ITS EXPOUNDERS AND ACCEPTED BY A JUDGE.

To the Editor of the Sun:

SIR:—Last Sunday afternoon Mr. Carol Norton lectured upon Christian Science at the Metropolitan Opera House. The building was thronged and the audience fairly representative of the average intelligence and education of this city. Although many present were doubtless led thither by curiosity, a very large number, perhaps the majority, were honest believers in the pretensions of Mrs. Eddy.

Mr. Justice Norton[2] of Allegheny introduced the lecturer as one of the foremost teachers of the new religion, as he undoubtedly is, and warmly upheld the citizen's constitutional right to entertain any religious belief, a right that it would be foolish for any one to assail.

Unfortunately, no one alluded to that valid objection to Christian Science which would have commended itself to so intelligent an audience, and may be thus briefly stated: Mrs. Eddy and her adherents

[1] From the New York *Sun*, June 9, 1899.

[2] Judge Norton is not, as would seem from this title, a justice of the Supreme Court, although thus entitled by other speakers at the meeting. He is a county judge.

pretend that without the use of those remedies or appliances shown by universal experience to be certainly, probably or possibly adequate to relieve or cure sickness and wounds, they can by vague mental processes alone effect cures where medical aid is unavailing. They even pretend that the mere reading of her book cures all human infirmities, even cancer. If honest in their belief, these people are willing to put, and do put, all medical and surgical aid aside, substituting therefor mental processes. If they have not this willingness, they are dishonest according to their own pretensions. If, on the other hand, they thrust aside scientific aid, demonstrably adequate to save life, and substitute therefor a treatment under which death results, they are certainly guilty of homicide in some degree, and this practice is dangerous to the public health. From this dilemma there is no escape. It is worth while, therefore, to ask every thoughtful and candid person who has listened to or read the words of Mr. Norton, Mrs. Eddy's foremost apostle, to ponder carefully the manner in which that gentleman, upon whom no imputation is cast, answers inquiries that he himself solicits. Let him and his teacher be judged, in all fairness, by their own words.

Mr. Norton offered medical proof that Christian Science has cured locomotor ataxia, cancer and many other diseases. This offer is not new. Mr. Norton copyrighted a lecture in 1898, which he has been delivering since with more or less variation. It was printed in full by the *Troy Record* of February 28, 1899. On March 30, I wrote to him, apropos of that publication, as follows:

A copy of your lecture . . . has been sent to me. You therein say that "regular medical confirmation of cases two, three, four, five and eight will be furnished any honest skeptic." I am certainly a skeptic, and, if I may say so, an honest one, and I should be very much obliged to you if you will give the names and addresses of reputable and competent medical practitioners who will certify to the second case, the cure of an incurable cancer; the third case, the cure of a child suffering from epileptic fits from birth, and having forty spasms a day at the commencement of treatment; the fourth case, a cure of "consumption of the lungs in the second stage of that disease;" the fifth case, a cure of a patient ill with typhoid fever in Paris and treated by a practitioner in New York; the eighth case, the cure of a lady forty years old unsuccessfully treated for thirty-five years for "organic valvular diseases of the heart" by physicians who pronounced the disease incurable. I should like to know what persons made the diagnoses in these cases, the course of treatment followed, the method taken to exclude in the cure other factors than treatment by Christian Science, and the present condition of the person cured.

Mr. Norton replied courteously on April 3, promising the information. On April 18, politely explaining his delay upon the ground of many engagements, he wrote: "I will have the positive proof of my utterances in the lecture that you read in the *Troy Record* properly prepared for a lawyer's gaze within a few days." On April 29, reminding Mr. Norton that a month had elapsed since my request, I wrote:

"With the desire to be entirely fair in discussing the theories of Mrs. Eddy and yourself I beg now to ask that you kindly give me an early reply to the following questions for immediate use:

"First—If Christian Science, as you say in your Saratoga lecture of August 26, 1898, 'removes the possibility of human and personal contention,' why has Mrs. Eddy had so much contention concerning the late P. P. Quimby and the copyright of her book that she has threatened legal proceedings, and, I understand, actually resorted to the courts?

"Second—If 'matter' is only erroneous thought in 'mortal mind,' and, therefore, non-existent in mind illuminated by the right thought of Christian Science, and if the material aids to the injured of drugs, bandages, splints, etc., are unnecessary and even harmful for the proper treatment of physical injuries, will you kindly tell me what course you or Mrs. Eddy would adopt in any of the following cases:

"(a) Walking along the street, a brick falls from above and cuts your head, causing blood to flow?

"(b) A child at table swallows a fishbone and is in peril of strangulation?

"(c) Your child is riding in a street car and a person with confluent smallpox sits down beside it?

"(d) A child in the street is run down by a cable car and bleeds from a severed artery?

"(e) A baby falls from a window and fractures its skull?"

On May 4, Mr. Norton civilly replied, kindly promising to call upon me on May 8, with the promised medical confirmation, and, as to the foregoing questions, said: "*The questions in your letter of April 29, I will be obliged to shelve for the present,*[1] desiring to do one thing at a time. I think you will agree with me that neither of us could expect to master the ideas of Mr. Spencer or Mr. Darwin in a hurried or impetuous way, no matter how honest our purpose."

Upon May 8, Mr. Norton did me the honor of call-

[1] The italics are mine.—W. A. P.

ing with the promised "medical confirmation," which consisted in each case of a brief statement of conclusions signed by a Christian Scientist. Of these signers one was said to have studied in a homeopathic, and another in a regular medical college. No facts were set forth upon which the conclusions were based, no names were connected with the certificates that would carry any weight with the general medical profession or any body of trained investigators. Nor would the evidence have been admissible in Judge Norton's court. It is not meant by this to cast the least reflection upon the honesty, sincerity and good repute of the signers. Doubtless they are excellent persons, but their names are unknown in the field of accurate investigation. In a very pleasant and good-tempered conversation, Mr. Norton referred to this actual case mentioned in my letter of April 28: A mother affected with Christian Science, but not to the point of infanticide, called a physician to see her child sick from eating stone-fruit. "Doctor," she said, "I really do not know whether the stone is in the child or in my mind." "Madame," he replied, "I cannot undertake to prescribe for a stone in your mind, but I can manage one in the boy." And this he did very successfully with castor oil. Of this material thought Mr. Norton, in flat contradiction of Mrs. Eddy ("Science and Health," pp. 158, 159, edition of 1887), said: "How silly! Of course, the stone was in the boy. But there are fools among Christian Scientists as well as among other classes." It was a proposition upon which we unexpectedly found ourselves in entire accord. He was understood also dis-

tinctly to say that Christian Scientists made differential diagnoses, and would presume in the case of a severed artery to put aside a surgeon and substitute for his their own treatment. But in order that no misapprehensions might arise on this score a letter was written on the following day to his secretary, saying:

I understood Mr. Norton yesterday to say that Christian Scientists both make and accept differential diagnoses of disease; that if a patient came to him complaining of a sore, he would make diagnosis to determine whether it was cancer, abscess, ulcer, carbuncle, boil, or what not; and so with diseases he would make diagnosis between pneumonia, fever, appendicitis, etc. I further understood him distinctly to say that if the clerk in my outer office should accidentally sever an artery and there were a surgeon present with adequate surgical appliances to stanch the flow of blood, he, Mr. Norton, would assume the responsibility of checking that arterial gush by the mental processes of Christian Science, and would dispense with the surgeon's aid and appliances. To my mind these are very startling propositions, and I wish, in justice to Mr. Norton and the cause he represents, to be entirely sure that I apprehend him rightly, and I shall be obliged to him or to you for a prompt reply on these points. And I should also be glad to have replies to the questions that I last submitted to Mr. Norton in writing as to what he would himself do in the case of certain accidents occurring in his presence, such as the fracture of the skull by a falling brick, the severing of a leg by a cable car, etc.

To this Mr. Norton himself replied thus on May 29, the italics being his:

You most thoroughly misunderstood me in relation

to what I said about deferential[1] diagnosis of disease. I make no diagnosis except along the lines of *consistent mental therapeutics*. An expert in mental therapeutics will naturally know the character of this diagnosis. Discord is discord. Pain is pain. Disease is disease. The principle that cures one, if rightly applied, will cure all. This is the beginning and end of rational mental healing. In relation to mental treatment for a severed artery, I said simply that I believed the *proper* application of *mind* power would do the same work, if not better than any other method. I beg that you quote me correctly, if you ever quote me, and I most thoroughly disagree with the understanding you got about diagnosis. In reply to the list of questions that you wrote to me in a recent letter, I have but to repeat my recent utterances in a letter to you, that I *prefer to shelve them*,[2] because to answer them would bring about wholly indifferent results.

Space forbids the publication of all the letters verbatim, nor is that necessary. Mr. Norton has been accurately quoted upon the point at issue. Every one can decide for himself whether the questions were fairly put and fairly answered. The learned Judge who presided at Sunday's meeting should be eminently competent to decide whether Mr. Norton would be guilty of manslaughter under this hypothetical state of facts: A child is bleeding to death from a severed artery. A surgeon at hand with ligatures and all proper appliances is demonstrably able to stop the flow of blood. Mr. Norton thrusts him aside, saying: "Here is only an error of mortal mind. My revered mother, Mrs. Eddy, teaches, on pp. 158 and 159 of

[1] *Sic.*

[2] These italics are mine.—W. A. P.

'Science and Health,' thus: 'Mind can regulate the condition of the stomach, bowels, food, temperature of your child, far better than matter can do so. Your child can have worms if you say so, or whatever malady is timorously holden in your mind relative to the body.' And at page 183 she says: 'Anatomy, physiology, treatises on health—sustained by what is called material law—are the husbandmen of sickness and disease.' Accordingly, dismiss the surgeon while I apply mind power. If I do it properly I will do the same work, if not better than the surgeon." The child dies. Would Judge Norton's belief in liberty of conscience, which no sensible person wishes to curtail, lead him to instruct a jury that a person thus suffering a little child to bleed to death and thrusting aside the aid that would have saved life is guiltless of manslaughter?

If it be said that Christian Scientists would not attempt to treat such a case, it is admitted that the whole solemn preachment of Mrs. Eddy, Mr. Norton and their fellows is nonsense, a humbug, a snare and a delusion; that their alleged cures are due not to any peculiar virtue of Christian Science, but to that action upon the body of the mind in a certain class of cases that has been known and acted upon both by physicians and intelligent laymen since before the time of Heraclitus: that operates for the voudoo priestess as well as for Mrs. Eddy.

If it is depressing to see an intelligent audience listening seriously to such teaching, it is equally regrettable that a member of the Court should preside at such a meeting, when it is considered that

cases may come before him involving violations of the law—whether by homicide or failure to report births, deaths and contagious diseases—under cover of theories which he publicly defends, apparently, as reducible with safety to common practice. Surely this learned Judge knows that in the Mormon cases the United States Supreme Court lucidly pointed out the wide distinction between religious liberty and license to commit, in the name of religion, acts forbidden by the law of the land enacted within the scope of the police power.

W. A. PURRINGTON.

NEW YORK, *May 29.*

Appendix B.

CHRISTIAN SCIENCE AND THE LAW.[1]

To the Editor of the Sun:

SIR:—In a recent editorial quoting a number of the excerpts from Mrs. Eddy's book lately appearing in the reviews systematic effort was urged "to ferret out and punish" Christian Scientists. The editorial omitted, however, to show the state of the law and the difficulties in the way of following its advice. It would be unfortunate if the adverse sentiment toward Eddyism aroused by exposure of its methods and the numerous reported cases of its manslaughters should be perverted or lessened by ill-considered action; it seems, therefore, worth while to make the situation clear.

No medical law of any State enjoins or prohibits any system of medical practice. No law forbidding the practice of Christian Science or any other system of treating the sick, no matter how foolish, has been proposed. Those who assert the contrary do so ignorantly or with intent to mislead. What medical laws require, and in the opinion of the Supreme Court of the nation and of almost every State properly require, is that no person shall practice medicine before he has pursued a proper course of study and furnished some evidence that he has a fair knowledge of the human

[1] New York *Sun*, July 12, 1899.

economy and the sciences relating thereto. This regulation applies to Roman Catholics, Protestants and Jews. It is objected to by Christian Scientists and Spiritualists, who stoutly maintain that to require the same education of them as of others engaging in the same business is to infringe their liberty of conscience and right to worship in their own way, although it is undeniable that when a man has once obtained a license to practice medicine upon proof of his scientific attainments he may follow any system he chooses. He may, if he see fit, rely solely upon mental processes. Every physician does largely take into account and rely upon the effect of the mind upon the body, especially in certain classes of cases. There are few to-day who pretend that the high potencies of homeopathy have any medicinal action, and it was a realization that their effect was due to the patient's imagination that led Mrs. Eddy, as she says, into her own extraordinary system. But homeopathists admit the existence of disease. They often administer drugs as heroically as regular practitioners—sometimes more heroically. They use surgery skilfully. In fact, it is often difficult to differentiate them from regular physicians by their practice alone; nor was there ever a time when they did not claim to be called physicians. The Eddyites, on the other hand, although eager to dub themselves "doctors of Christian Science," declare that they are not practitioners of medicine. Mrs. Eddy, as was fully pointed out in the *North American Review* for March, condemns not only drugs, remedies and instruments, but even hygiene, exercise and bathing. Her method of curing

disease is first to deny its existence and then to argue with it as one would argue with a Congressman. Herein lies at once the danger of her crazy method and the immunity of its practitioners from punishment under the law of this and many other States. A druggist who prescribes a proprietary nostrum or so simple a remedy as rhubarb or chalk mixture may be convicted of a misdemeanor. Our Supreme Court has so held in several cases. But it also has laid down in Smith v. Lane (24 Hun., 632) the narrow rule that the use of drugs, medicines or instruments is an essential element of medical practice, holding, in substance, that the medical law was intended only to protect those seeking treatment *secundum artem* from false pretenders to skill in the use of dangerous drugs or instruments, but not to protect from their mistake or folly, persons who, lured by wonderful promises of cure, submit themselves to the treatment of those avowedly discarding ordinary medical methods.

This case, expressly approved of in Ohio, Rhode Island and perhaps other States, is the joy and bulwark of Christian Scientists. It was held to be inapplicable under the Nebraska and Illinois statutes; but from the last Legislature of the latter State the Eddyites are said to have secured a proviso in the new medical law adopting its rule.

It will be remembered that a letter in *The Sun* of June 9, the accuracy of which has not been denied to my knowledge, showed that when Mr. Carol Norton, Mrs. Eddy's apostle hereabouts, was asked if he would dare to exclude medical aid and treat severed arteries, fractures, strangulations and contagious diseases by

mental processes he twice wrote that he preferred to shelve the questions. It must seem startling to a layman that a druggist violates the medical law by prescribing rhubarb, while a Christian Scientist who "thinks at" the severed artery of a child is exempt from the operations of that statute. And perhaps it may seem easy to rectify the anomaly by legislation. Two recent experiments in this direction may be profitable for instruction.

In 1898 a bill was introduced into the Massachusetts Legislature defining the term "practicing medicine" so as to include all methods of treating the sick and wounded for hire, including, of course, Christian Scientists and every sort of "healer." As was naturally to be expected, Mr. William Lloyd Garrison and Prof. James—the latter of whom seems bent upon forcing Harvard, ancient mother of scholars and conservative men, to associate, in the public mind, with Mesdames Eddy and Piper—lifted up their voices against the bill. These gentlemen represent the best of the host that rally to Mrs. Eddy's support; sincere, educated, intelligent, dearly loving to run a tilt with the majority, with Athenian fondness for new things and not unwilling to fill the trump of Fame. Mr. Garrison, therefore, who a short time ago—I think it is the same Mr. Garrison—clamored at the top of his pen for academic rules to prevent the ingenuous youth of Harvard from inflicting or submitting to the cautery of a boyish and rather silly initiation of a secret society—Mr. Garrison, who has harrowed all our feelings by pointing out the awful brutality of football, actually obstructed the passage of the law requiring Christian

Scientists in Massachusetts to have as a condition of treating the sick the same education required of Protestants, Catholics and Jews engaged in the same business. And what was his delightful argument? As reported by the Christian Scientists, it seems to have consisted of two main premises: First, "John P. Robinson, he, said they didn't know everything down in Judee," or, in common English, "the physicians don't know it all: therefore let all the ignorant have free field." Second, homeopathy was formerly ridiculed. The answer seems simple enough. Mr. Robinson, whose dictum has been much overworked, was right. In medical science we know a good deal more than was known in Judee. Moreover, Mr. Garrison himself doesn't practice all theories emanating from that district. He may surpass the rest of us, but it may be doubted whether he gives to every one that asks of him or turns away from none who would borrow of him; and as for resisting what he considers evil he has a perfect mania for it, using the sonnet with deadly effect. It is true that the metaphysical theory of Hahnemann that a drug has medicinal properties when attenuated to a degree represented by figures that overwhelm the imagination, and that such properties are further affected by the number and direction of the shakes given to the phial containing the potency, was ridiculed, and very justly so, as appears from the fact that few homeopathists of to-day profess the theory, and fewer, if any, practice it, except, perhaps, as a form of mind cure. Prof. James was not less convincing than Mr. Garrison. With neat appreciation of the proprieties he pro-

claimed his professorship at Harvard, thereby dragging a reputable mother's name into company where most of her offspring would blush to see her. Next he took the bold, broad, not to say bad, ground that the State should not regulate medicine at all, because it is not a "finished science." This is the most delicious tid-bit of logic yet offered. If we are to legislate only about "finished sciences" our statute books will soon be made up of enactments that straight lines shall be the shortest distances between points, and that it shall be a misdemeanor for the square described on the hypothenuse to exceed the sum of the squares described on the other two sides.

In the same year Senator Coggeshall introduced into the New York Legislature, at whose instance I do not know, a bill that would have affected Christian Scientists. At its hearing in committee so many Eddyites, most of them in skirts, were present that adjournment was had to the Senate chamber. Apparently no one spoke for the bill and no one of note against it. After the usual platitudes concerning liberty and the customary depreciation of medicine as an unfinished science, the Senator is reported to have smiled, bowed to the ladies, and abandoned the bantling upon Mrs. Eddy's doorstep as cheerfully as he took it from its parent, whoever that may have been. It was another instance of an enthusiastic and organized few carrying their point, while the unorganized multitude was indifferent and apathetic. It seems obvious, therefore, that attempts at legislation in this matter should not be made ill-advisedly or without due organization.

But does it follow that we are without remedy under existing law? It would seem not. If it can be demonstrated that a Christian Scientist has caused death by excluding proper medical or surgical treatment and substituting his mental processes—in such cases, for instance, as those submitted to Mr. Norton and "shelved" by him—it ought not to be difficult to obtain a conviction of manslaughter, if not of murder. The societies for prevention of cruelty to children can act in the premises. English courts are extraordinarily lenient with fanatics, but although Wagstaffe escaped punishment prior to the enactment of the Prevention of Cruelty to Children statute, that law seems to have been passed in consequence of his acquittal; and recently another member of the "Peculiar People," whose child died under a similar treatment by anointing with oil in Apostolic fashion, was convicted of manslaughter. If memory serves, Mr. Gerry, some years ago, took from a missionary a child whose fractured arm the father was treating solely by such anointing; and the Bishop forbade the parent to go back to his post. There is no reason why Christian Scientists should not be compelled to report births, deaths and contagious diseases under the usual penalties for disobedience. If they say that it is wrong to compel them, who do not believe in disease, to report its existence, once more the answer is simple: Mrs. Eddy herself has reported in print that her first husband, Col. Glover, died of "yellow fever," that "insidious disease."

But after all, that which will destroy Christian Science is the true exposition in the reviews and daily

press of its absurdities, its vulgarities, its false pretences as well as its dangers. It does not seem possible that a sane or reverent mind or one with any sense of humor could accept seriously the preachment of the exceedingly shrewd, but very ignorant and ungrammatical old lady, once of Lynn but now of Concord. And it is safe to say that unless Christian Scientists can win some temporary advantage by cheap martyrdom the time will come very soon when sane and reputable persons, many of whom now accept the doctrine ignorantly, will blush with shame to think they ever could have been disciples of Mary Moss Baker Glover Patterson Eddy, whose name seems to be legion.

W. A. PURRINGTON.

July 10.

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